

RECORD SECTION INDEX SHEET

Original Application No. 922 1996

a) Applicant(s)

versus

b) Respondent(s)

G. Ramakrishna
The Chairman, Telecom Commission,
New Delhi & anr.Part I

Order Sheet

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Original Application dt.

15.7.96.

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Material Papers

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Order dt.

16.12.96.

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Counter Affidavit dt.

Reply Affidavit/Rejoinder dt.

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Part II

Duplicate Ordersheet

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" Application dt.

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" Order dt.

" Counter Affidavit dt.

" Reply Affidavit/Rejoinder dt.

" Order dt.

Part III

Vakalat

15.7.96

Notice Papers

23.8.96

Memo of Appearance

PSR

17/1/97

Part. III and II

Decided
P. Singh
826/2/2001

OA 922/96

DATE	OFFICE NOTE	ORDERS
<u>19/8/96</u>		<p>Mr. Naveen Rao, for the applicant and Mr. Satyanarayana, for the respondents.</p> <p>list it on 20/8/96.</p> <p>HRRN M(A)</p>
		<p><u>20-08-96.</u></p> <p>Mr. P. Naveen Rao, for the applicant and Mr. N. R. Devaraj, for the respondents.</p> <p>It is stated for the respondents that the case of the applicant does not come under the purview of the matter quoted in the judgement in OA. 208/94 on the file of this Bench decided on 31-1-95 and hence the case was rejected. In view of the above submission, it cannot be held that the case has already been considered in the earlier OA.</p> <p><u>ADMIT.</u></p> <p>List it on 24-09-96. Reply in the meanwhile.</p> <p><u>D</u></p> <p>HRRN M(A)</p>
		<p><u>24-9-96.</u></p> <p>None for the applicant.</p> <p>Mr. Satyanarayana for Mr. N. R. Devaraj, learned Counsel for the respondents.</p> <p>The learned Standing Counsel request time. List it on 29-10-96.</p> <p>Reply in the meanwhile.</p> <p><u>D</u></p> <p>HRRN M(B)</p>
<p>Admit notice 20/8/96 24/9/96 28/10/96 26/10/96</p>		

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH:

O.A.NO

922/ 1996.

G. Ramakrishna

Applicant (s)

V E R S U S

To Chairman, Telecom Commission, New Delhi & Anr.

Respondent (s)

Date

Office Note

Orders

6/8/96

Mr. Bala Mohan for
Mr. P. Naveen Rao, for the
applicant and Mr. N.R. Devraj
for the respondent.

Mr. Devraj submitted that
he will get necessary
instructions in this connection
and prayed for listing this
case on 12/8/96.

list it on 12/8/96.

12/8/96

None for the
applicant. Mr. N.R. Devraj
for the respondent. list it
for orders on 19/8/96.

8

HERN
H(A)

(3) (3)
OA 922/96

DATE	Office Note	Orders

29-10-96

It is stated that Sri P. Naveen Rao is sick and he wants a short adjournment. List it on 5-11-96.

~~D~~

~~HRRN
MCA~~

Heard Mr. Phani Rao for Mr. P. Naveen Rao, for the applicant and Mr. N.R. Devraj for the respondent.

Heard in part. The learned counsel for the respondent prays time to furnish parawi remarks. 3 weeks time is granted.

Post it for orders after the reply is filed

~~Jr~~

16-12-96.

~~HBSJP~~

OA disposed of
vide the orders on separate sheet
no costs.

~~16-12-96~~

~~HBSJP
M(W)~~

PK:swm
RKS:mt
16/12/96

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD.

ORIGINAL APPLICATION

922 OF 1996

Shri G. Ramakrishna Applicant (s)

V E R S U S

The chairman, Telecom commission

New Delhi or another Respondent (s)

The application has been submitted to the Tribunal by

Shri P. Naiveen Rao Advocate/Party-in-person
under section 49 of the Administrative Tribunal Act, 1985 and
the same has been scrutinised with reference to the points
mentioned in the check list in the light of the provisions in
the Administrative Tribunal (procedure) Rule 1987.

The application is in order and may be listed for
admission on 7-96

Q15/17
SCRUTINY ASST.

DEPUTY REGISTRAR (JUDL)

- 11. Have legible copies of the annexure duly attested been filed. Yes
- 12. Has the Index of documents been filed, and pagination done properly. Yes
- 13. Has the applicant exhausted all available remedies. Yes
- 14. Has the declaration as required by item NO. 7 of form, I been made. Yes
- 15. Have required number of envelops (file size) bearing full address of the respondents been filed. Yes
- 16. (a) Whether the relief sought for, arise out of single cause of action, -
(b) Whether any interim relief is prayed for. Yes
- 17. In case an MA for condonation of delay is it supported by an affidavit of the applicant. -
- 18. Whether this case can be heard by single Bench. Yes
- 19. Any other point. Yes
- 20. Result of the scrutiny with intial of the scrutiny clerk. May be filed

On
15/7/96
Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

Dairy NO. 2226/96

Report in the Scrutiny of Application.

Presented by Mr. P. Naveen Rao..... Date of Presentation. 15/7/96

Applicant (s) ... G. Ramakrishna

Respondent (s) ... The Chairman, Telecom Commission, N. Delhi

Nature of grievance ... Stepping up of Pay and another

No of applicants 1 No. of Respondents. 2

CLASSIFICATION

subject (NO.) Department Telecom (NO.)

- | | |
|---|-----|
| 1. Is the application in the proper form, (three complete sets in paper books form in two compilations. | Yes |
| 2. Whether name, description and address of all the parties been furnished in the cause title. | Yes |
| 3. (a) Has the application been duly signed and verified. | Yes |
| (b) Have the copies been duly signed. | Yes |
| (c) Have sufficient number of copies of the application been filed. | Yes |
| 4. Whether all the necessary parties are impleaded. | Yes |
| 5. Whether English translation of documents in a language other than English or Hindi been filed. | - |
| 6. Is the application on in time, (See Section 21) | Yes |
| 7. Has the Vakalatnama/Memo of Appearance/authorisation been filed. | Yes |
| 8. Is the application maintainability. (U/s 2, 14, 18, or U.R. 8 etc.) | Yes |
| 9. Is the application accompanied IPO/DD, for Rs. 50/- | Yes |
| 10. Has the impugned orders Original, duly attested legible copy been filed. | Yes |

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH:

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O.A. NO. 922 1996

CAUSE TITLE

G. Ramakrishna

V E R S U S

Chairman, Telcom, N. Delhi & anot

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Reg. - To direct the Respondents to remove the anomaly in Pay (4) fixation and to step-up the pay of the applicant on par with the pay drawn by his junior Mr. M. Venkoba Rao

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH

Stepping up of Pay

S. Ra. case

एकाल दरवाय केसे
SINGLE MEMBER CASE

O.A. No. 922 of 1996

Telecom (CB)

THE TELECOM

Between:-

G. Ramakrishna

.... Applicant

A. N. D

The Telecom Commission,
Represented by its Chairman
Government of India,
New Delhi and one another.

Respondents

I N D E X



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3.	Principal Bench, CAT Judgement dt. 17.7.92 in O.A. No. 2420/91	11 to 19	A-II
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Hyderabad,

Dated: 10.7.1996.

(COUNSEL FOR THE APPLICANT).

JW

(5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH

AT HYDERABAD.

O.A.No. 922 of 1996

Between:-

G.Ramakrishna

.... Applicant

A N D

The Telecom Commission,
Rep. by its Chairman, Govt. of India,
New Delhi and one another. Respondents

CHRONOLOGICAL STATEMENT OF EVENTS

S1.No. Date/Year

E V E N T

- | | | |
|-----|------------|---|
| 1. | 1970 | Applicant recruited as J.E. |
| 2. | 1989 | Applicant was selected for the post of Asst.Engineer under 1/3 quota. |
| 3. | 25.4.1990 | Mr.M.Venkoba Rao junior to applicant was promoted as Assistant Engineer. |
| 4. | 11.7.1990 | Orders were issued by the Dept., granting advance increments for acquiring higher qualifications with effect from 1.5.90. |
| 5. | 17.7.1992 | Principal Bench allowed O.A.2420/91 seeking for rectification of anomoly on account of junior drawing more pay than the senior. |
| 6. | 7.5.1993 | Dept., issued orders to comply with the judgement of Principal Bench. |
| 7. | 29.10.1993 | Ernakulam Bench of C.A.T. allowed O.A. 1134/93 for stepping-up of pay. |
| 8. | - | O.A.208/94 is filed in Hyd. Bench seeking for stepping up of pay. |
| 9. | 2.5.1994 | Letter is issued by the Dept., to give effect to the request made by the applicants in O.A.208/94. |
| 10. | 31.5.1994 | O.A. is disposed off in view of the orders of the Department dt.2.5.94. |
| 11. | 14.7.1995 | Request of the applicant is rejected again. |

Hyderabad,

Dated: 10.7.1996.

✓ (COUNSEL FOR THE APPLICANT).

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH

AT HYDERABAD.

O.A.No. 922 of 1996

Between:-

G. Ramakrishna
S/o. Subbaiah,
Aged about 50 years, Assistant Engineer,
(Cable Construction III),
Hyderabad Telephones,
Hyderabad.

Address for service is that of his Counsel

Sri. P. Naveen Rao, Advocate, H.No. 1-1-729,
Gandhi Nagar, Hyderabad - 080.

.... Applicant.

A N D

- (1) The Telecom Commission,
Represented by its Chairman,
Government of India,
New Delhi.
- (2) The Chief General Manager,
Telecommunications, A.P. Circle,
Government of India,
Hyderabad. Respondents.

DETAILS OF APPLICATION:

- (1) Particulars of the Order against which Application is made:-

The applicant is seeking to question the legality and validity of the decision of the 2nd respondent contained in letter No. SR/Pay(M)/SP/94-95/62 dated 14.7.1995. By the above said decision, the request of the applicant to step-up the pay of the applicant on par with his junior Sri. M. Venkata Rao is rejected.

- (2) Jurisdiction:-

The subject matter of the Application is within the Jurisdiction of this Hon'ble Tribunal under Section-14(1) of the Administrative Tribunals Act, 1985.

(3) Limitations:-

The applicant declares that the O.A. is within the limitation prescribed in Section-21 of the Administrative Tribunals Act, 1985.

(4) FACTS OF THE CASE:

(a) The applicant is presently working as Assistant Engineer in the Department of Telecommunications at Hyderabad. The detailed service particulars of the applicant and his junior Sri.M.Venkoba Rao are shown in a tabular form hereunder:

Sl. No.	Name Particulars	G.Rama Krishna	M.Venkoba Rao
(1)	Year of recruitment as J.E.	1970	1970
(2)	Date of joining as J.E.	8.11.72	31.8.73
(3)	<u>Basic pay as on:-</u>		
(a)	31.8.73	470/-	425/-
(b)	1.1.86	2060/-	2300/-
(c)	1.7.90	2450/-	2750/-
(4)	Date of Selection to T.E.S. Gr. 'B'	9.3.89	25.4.90
(5)	Seniority No.	3338	6492
(6)	Qualifications	B.E.	Grade I.T.E. during serv.

(b) The applicant further submits that Sri.M.Venkoba Rao is junior to the applicant herein. The applicant secured Degree in Engineering prior to joining in the service. On the otherhand Sri.M.Venkoba Rao secured grade I.T.E. certificate while in service. In terms of the letter of t

Department dt.11.7.1990 Sri.M.Venkoba Rao is being granted two advance increments for securing Grade I.T.E. certificates. In view of the above favour being conferred on Sri.M.Venkoba Rao, he is drawing higher pay than the applicant even though, he is junior to him. Having come to know of the pay anomoly the applicant had represented to rectify the anomoly and to step up his pay on par with his junior.

(c) The anomoly in pay has arisen out of the decision of the Department of Telecommunications as contained in the letter dt.11.7.1990(Annexure-) for grant of advance increments for acquiring higher qualification in Engineering and also due to continuous adhoc officiation on a local basis ignoring the seniors. The Department had granted two advance increments to persons who acquire or already acquired a Degree in Engineering or Grade I.T.E. while in service and the increments were given effective from 1.5.1990 in the scale of pay of the post a person holds as on 1.5.1990. Sri.M.Venkoba Rao is directly benefitted out of the decision contained in the letter dt.11.7.1990.

(d) It is respectfully submitted that similarly situated persons had approached the Principal Bench of the Hon'ble Central Administrative Tribunal at New Delhi in O.A.No.2420 of 1991 contending that there is an anomoly in pay fixation and a junior is drawing more pay than the applicant therein. The applicant sought for stepping-up of pay on par with his junior namely T.R.Khanna. The Principal Bench is pleased to allow the O.A. by an order dt.17.7.1992 and the respondents were directed to stepup the pay of the applicant therein on par with that of his junior. The facts in the above case and that of the present O.A., are same

(9)

and regarding the same subject matter. The Department had accepted the judgement of the Principal Bench and had issued orders to comply with the directions of the Principal Bench(Annexure:). However, the benefit of the directions was extended only to the applicant before the Principal Bench. It is respectfully submitted that the Judgement of the Principal Bench is directly on the subject matter of this O.A. and the applicant also fulfills all the conditions stipulated in the Department of Telecommunications letter dt.7.5.1993(Annexure-) referred to above.

(e) It is further submitted that Telegraph Traffic Superintendents Grade-B working in Kerala Circle approached the Hon'ble Central Administrative Tribunal, Ernakulam Bench in O.A.No.1134/93 and batch contending that there is pay anomoly and a junior is drawing more pay than a senior and sought for a direction to step up their pay on par with that of their juniors. The Hon'ble Tribunal was pleased to allow the O.A's, by an order dt.29.10.1993 and hold that in all cases (except where reduction is by way of disciplinary proceedings) a senior will be entitled to have his pay stepped up to the level of the pay received by his junior, due to fortutious circumstances. While holding so, the Hon'ble Tribunal was relying on earlier reported decisions referred to supra.

(f) The applicant along with 5 others approached this Hon'ble Tribunal in O.A.No.208/1994 seeking for a direction to remove the anomoly in pay fixation and to fix the pay on par with that of their juniors. When the O.A. is listed for hearing, a copy of the letter dt.2.5.94 bearing No.49-1/94-PAT was produced in the Tribunal. It is stated that the O.A. may be withdrawn as the Government has decided to step up

(10)

the pay of all Officers to remove the anomoly arising out of grant of advance increments. In view of the above this Hon'ble Tribunal has opined that the respondents have decided to grant the relief as prayed for in the O.A. there is nothing left for adjudication and the matter was disposed off by an order dt.31.5.1995. It is submitted that consequent to the above disposal, the impugned order is communicated to the applicant holding that as Mr. Venkoba Rao was drawing more pay than the applicant prior to 1.5.1990 due to local officiating promotion, the claim of the applicant stepping-up his pay on par with his junior could not be accepted. Aggrieved by the said orders, the present O.A. is filed. The applicant submits that the O.A. was disposed off on account of the statement made by the Standing Counsel on behalf of the respondents that the case of the applicant and others would be considered favourably and the benefits sought by them would be given. Otherwise the matter would have been adjudicated on merits. The applicants claim for stepping up of their pay on par with their junior and one of the reason cited for anomoly was for granting of advance increments by letter dated 1.7.1990. Having undertaken to give the benefit, the respondents are estopped from going back on such undertaking.

(5) GROUND FOR RELIEF WITH LEGAL PROVISIONS.

- (a) The decision contained in the impugned letter is contrary to the orders issued by the Department from time to time and also contrary to the judgements rendered by the Hon'ble Central Administrative Tribunal.

(b) According to the understanding of the applicant the anomaly in pay fixation wherein a junior is drawing more pay than the applicant is due to granting of advance increments to his junior in terms of the letter dated 1.7.1990 and not otherwise. However, it appears that higher pay fixation is given to his junior by wrong interpretation of provisions and an illegal benefit is conferred on a junior. According to the understanding of the applicant his junior Mr. Venkoba Rao did not officiate the higher post continuously and had faced reversions in between. However, while fixing his pay on adhoc promotion and subsequently after facing the reversion and on regular promotion to higher post, the increments drawn earlier to his reversion were also taken into consideration and hence higher pay fixation is done. Otherwise, the difference would be two increments which would be directly relatable to 1.7.1990 orders.

(c) It is highly arbitrary and discriminatory to pay higher salary to a junior in the same service and grade than a senior.

(d) The decision of the Principal Bench dt. 17.7.1992 rendered in O.A. No. 2420/91 is a decision in rem and is applicable to all persons similarly situated. Having implemented the decision in respect of the applicant of the said O.A. the respondents cannot ignore the claims of the similarly situated persons. The Principle must be applied to all concerned. Further more, even before the Principal Bench, the respondents did not contest the matter on merits but contended only that the same issue is pending before the Department and the Department is

actigely considering the matter. It is therefore highly arbitrary and unconstitutional to deny the benefit of stepping up of pay to the applicant when similar benefit is given to other similarly situated persons.

(e) A decision not to step up the pay of the applicant on par with his junior is arbitrary, unconstitutional and contrary to the Principle laid down by Central Administrative Tribunal in O.A.No.2020 of 1991 dt.17.7.1992 (on the file of the Principal Bench) and in O.A.No.1134/93 and batch dated 29.10.1993 (on the file of Earnakulam Bench) and also contrary to the orders of the Department that is contained in Lt. No.F.No.4-18/91-PAT dt.7.5.1993.

(f) The respondents ought to have seen that admitedly a junior is drawing more pay than senior and the said anomoly is directly attributable to the policies and the decisions taken by the Department. The applicant has no role to play. Even when a junior was considered for adhoc officiation in higher posts, the same was done without considering the claim of senior and without offering to the senior and though the same was intended for a stop gap arrangement for a very limited period which was continued for a long time and during the said period he was also granted increments. While fixing the pay in the higher post when promoted on regular basis the long adhoc officiating service and the increments drawn thereon was also considered to fix his pay and accordingly the anomoly is created. Due to this wrong policies followed by the respondents, the applicant can not be penalised and can not be humiliated forcing him to draw a lesser pay than his junior. This anomoly will continue to exist through out the career of the applicant.

(6) Details of Remedies Exhausted:-

The applicant is seeking to question the orders passed consequent to the disposal of the earlier orders of Hon'ble Tribunal dt.31.1.95 in O.A.No.208/1994 and in the circumstances the applicant has no other alternative except to invoke the jurisdiction of this Hon'ble Tribunal.

(7) Matter not pending with any other Court:-

The applicant declares that he has not filed any Application, Writ Petition or Suit regarding the same subject matter and no Application, Writ Petition or Suit is pending before any other Court or Tribunal regarding the same subject matter.

(8) MAJOR RELIEF:-

It is therefore prayed that this Hon'ble Tribunal in the interest of justice be pleased to call for the records relating to and connected with letter No.SR/Pay(M)/SP/94-95/GR dated 14.7.1995 and quash or set aside the decision contained therein and consequently direct the respondents to remove the anomaly in pay fixation and to step-up the pay of the applicant on par with the pay drawn by his junior Mr.M.Venkoba Rao on and from the date of arising anomaly with all consequential benefits and pass such other order or orders as may be deemed fit and proper in the circumstances of the case.

(9) INTERIM RELIEF:-

In the facts and circumstances of the case it would be just and proper to fix an early date of hearing as the subject matter of the O.A. is covered by the decision of Principal Bench dt.17.7.1992 that was rendered in O.A.No. 2420/91 and also the Ernakulam Bench decision in O.A.No. 1134/93 dt.29.10.1993 and pass such other order or orders as may be deemed fit and proper in the circumstances of the case.

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(10) Particulars of the Postal Order in respect of Application fee:-

- (i) Number of Indian Postal Order
(ii) Name of the Issuing Post Office
(iii) Date of Postal Order
(iv) Post Office at which payable

: 8211942
: G.P.O.
: 19/6/96
: G.P.O.

(11) Details of Index:-

1 Rs 50/-
U.P.O./G.O./D.D./Revenue

An Index in duplicate containing the details of documents to be quoted upon is enclosed.

VERIFICATION

I, G.Ramakrishna S/o Subbaiah, Aged about 50 years, Assistant Engineer, (Cable Construction III), Hyderabad Telephones, Hyderabad, do hereby verify and state that the contents of Paras from 1 to 11 are true to my personal knowledge and belief and on the advise rendered by the Counsel and I have not suppressed any material facts.

✓
(COUNSEL FOR THE APPLICANT).

(SIGNATURE OF THE APPLICANT)

Hyderabad,

Dated: 10.7.1996.

To

The Registrar,
Central Administrative Tribunal,
Hyderabad Bench,
H.Y.D.E.R.A.B.A.D.

— — —

TRUE EXTRACT OF THE ORDER OF THE DEPARTMENT OF TELECOM.
DT. 11.7.1990.

Sub- Grant of advance increment for acquiring higher qualification in Engineering.

The question of grant of advance increments to the Telecom Officials/Officer for acquiring a degree in Engineering or equivalent qualification while in service was under consideration of the Department. It has now been decided that:-

- (i) Two advance increments in the respective grades may be granted to those junior Engineers. Junior Telecom Officers, Officers of TES GR. 'B' and Officers of ITS in the Junior Time Scale and Senior time scale promoted from TES Group-B, who acquire or have acquired a degree in Engineering in any one of the disciplines of Mechanical, Electrical, Telecommunication, Electronics, Radio Engineering and Computer Sciences from a recognised University or its equivalent qualification while in service.
- ii) Advance increment under these orders will be effective from 1.5.90 i.e. advance increment may be granted to eligible officers with effect from 1.5.90. in the scale of pay of the post which they hold on 1.5.90.
- iii) The (eligible) Officers who acquire the prescribed qualification on or after 1.5.90 may be granted advance increments from the 1st of the month following the month in which results are declared.
- iv) The grant of advance increments under those orders will not alter the date of increment in the normal course.
- v) Advance increment under these orders will not be admissible to those officers who have already received advance increments under the earlier order(s).

This issues with the concurrence of Telecom Finance vide their No. 2073/90-FAL dated 11.7.1990."

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CAT JUDGEMENT

In The Central Administrative Tribunal, Principal, New Delhi
Date of of Decision 17-7-92

OA 2420/91

Navendra Kumar and
VS

Applicants

Union of India and Ors

Respondents

Coram :

The Hon'ble Shri J.P.Sharma, Member (J)

For the Applicants

Shri M.L.Chawla

For the Respondents

Shri A.K.Sikri

1. Whether Respondents of local papers may be allowed to see the judgement ?
2. To be referred to the Reporters or not ?

Jubgement

(Delivered by Hon'ble Shri J.P.Sharma Member (J))

The applicant and 4 others are Assistant Engineer and have filed this application for removal of anomaly as a result of implementation of the order dated 11.7.1990 granting two advance increments to junior Telecom Officers/Officers of TES Group- B etc for acquiring a degree in Engineering or equivalent qualification while in service. The applicants being senior to one Shri T.R.Khauna in the TES Group-B Cadre, are being paid less pay than their said junior. The said order dt 11.7.1990 is reproduced below :-

Sub : Grant of Advance Increments for acquiring higher qualification in Engineering.

The question of grant of advance increments to the Telecom Officials/Officers for acquiring a degree in Engineering or equivalent qualification while in service was under consideration of the Department. It has now been decided that

- (i) Two advance increments in the respective grade may be

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granted to those junior Enrs. junior Telecom Officers, officers of TES Gr. B and officers of ITS in the junior Time Scale and Senior Time Scale promoted from TES Gr-B, who acquire or have acquired a degree in Engineering in any one of the disciplines of Mechanical, Electrical Telecommunication, Electronics, Radio Engineering and Computer Sciences from a recognised University or its equivalent qualification while in service.

(ii) Advance increments under these orders will be effective from 1-5-90 i.e. advance increments may be granted to eligible officers with effect from 1-5-90, in the scale of pay of the post which they hold on 1-5-90.

(iii) The (eligible) Officers who acquire the prescribed qualification on or after 1-5-90, may be granted advance increments from the 1st of the month following the month in which results are declared.

(iv) The grant of advance increments under these orders will not alter the date of increment in the normal course.

(v) Advance increments under these orders will not be admissible to those officers who have already received advance increments under the earlier orders(s).

This issues with the concurrence of Telecom Finance vide their No. 2073/90- FAI dated 11-7-90

The applicants claimed the relief for a direction to the respondents to remove the anomaly and fix the pay of the applicants at par with Shri T.R.Khanna by stepping up their pay from the date Shri T.R.Khanna draw higher pay with all consequential benefits of arrears. They have also claimed interest on this amount.

2. The facts in the short are that the applicants joined as junior Engineers in the Department of Telecommunication against the vacancies of recruitment year 1965 and 1966.

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Applicants No.1 and 4 were appointed against the vacancies of the year 1965 while the remaining applicant were appointed against the vacancies of the year 1966. The scheme of advance increments was restored by the order dated 11-7-1990 and on our introduction of those two advance increments the pay of Shri Khanna was fixed at the stage higher to the applicants at the revised rates of increments. The applicants made representation to the respondents individually but to no effect. However, the Department of Telecommunication issued instruction on 17-6-91 (Annexure-IV) nothing therein "you are requested to work out the number of such cases and intimate the name alongwith the nature of anomaly with one illustration in each type of cases, so that the matter could be examined for removal of this kind of pay anomaly."

3. The respondents contested the application taking the preliminary objection that the application is premature and the matter is pending before the Department of Telecommunication and the department has invited information about such cases for consideration thereof. That Shri T.R.Khanna was benefitted with advance increments on the acquired degree in Engineering in may 1975. There is nothing in the FR/SR under which the senior is entitled to stepping up of pay under given circumstances. However, the stepping up of pay is permissible as provided under FR 22-1 (a) on promotion and not as a result of Grant of advance increments for special qualification. It is further stated that the advance increments will not be admissible to those who have already received upto six advance increments under earlier orders. All the applicants have been granted advance increment. If they are grated two advance increments then they would have been doubly benefitted i.e. advance increments granted earlier and two advance increments by way

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of stepping up with reference to their junior which is against the DOT orders dated 11-7-1990. The respondents have also annexed a copy of the Demands submitted by JTOA and TESAdated 11-6-90. para 3 of this agreement goes to show that two advance increments in the respective grades will be granted to those JTOS, TES Group-B OFFICERS, jts/sts PROMOTED FROM Group -B who acquire or have acquired a degree in Engineering or its cqualent qualification while in service. This will be effective from 1-5-1990 The officers, who already received such benefits earlier, will not be eligible for this grant. This counter was accepted on the basis of MP 1514/92 as the right to file counter was forfeited but was subsequently allowed. The respondents have also filed another MP for hearing of the oforesaid OA alongwith other OA pending in ither Benches on the matter was old and partly heard, the prayer could not be acceded to. The MP 1667/92 is also to the same effect. Another MP 1959/92 was filed on behalf of the case has been heard partly, the same cannot be put on sinedic list All these MPs, therefore stands disposed of :

4. I have heard the learned counsel for both the parties at length and have gone through the records of the case. Though, on the last occasion only Shri J.K. Poplidepartmental representative addressed the Bench on behalf of the respondents. The only issue involved in this case is whether the applicants can be disreminated as one Shri. T.R.Khanna has already been given two advance increments. The applicants No.1 to 5 and also that of Shri T.R.Khanna, as given out in Annexure -II at page 15 of the applicantion. Applicat No. 1 Navendra Kumar has been recruited against the vacancy of the yaar 1965 and he passed the degree of Engineering while in servce in 1971 He was also covered by Rules Prevelant brfore 1973 and he got threee increment and the basic pay was

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enhanced from Rs 210/- to Rs 240/- His date of next increment was 15.1.72. He was promoted to TES in July 1981 and his basic pay fixed at Rs. 710/- in TES Group-B His seniority No. 3252 and in June 1990 he was getting Rs. 2825/-

5. Applicant No. 2 Shri Hardas Singh Seniority No. 3052 passed the Engineering Degree in 1970 and was recruited against the vacancy of the year 1966 and was granted four increments on the basic pay of Rs. 200/- which was enhanced to Rs. 240/- and his pay on promotion as TES Group B on 27.5.81 was Rs. 680/- & in June, 1990 he was getting Rs. 2825/-

6. Applicant No. 3 Shri Vidya Prakash Gupta, Seniority No. 3272, Passed the Engineering degree in 1971 and was recruited against the vacancy of the year 1966 and he got three increments and his pay was enhanced from Rs. 210/- to Rs. 240/- On promotion to TES Group -B on 29.5.81 his pay was fixed at Rs. 680/- and in June, 1990 he was drawing Rs. 2825/-

7. Applicant No.4, Shri Adnashi Lal, Seniority No. 2517, Passed for Engineering degree in 1970 and was recruited against the vacancy of the year 1965. He got three increments and the basic pay was enhanced from Rs.210/- to Rs 240/- and on promotion to TES Group B on 27.5.81. His pay was fixed at Rs. 680/- & in June, 1990 was getting Rs. 2825/-

8. Applicant No. 5 Shri P.C. Joshi Seniority No. 3266, passed the Engineering degree in 1979 and was recruited against the vacancy of the year 1966 and he got five increments & his pay was enhanced from Rs.190/- to Rs.240/- and on promotion of TES Group B on 27.5.81 his was fixed at Rs 680/- and in June, 1990 he was getting Rs 2825/-

9. Now taking the case of Shri T.R. Khanna. Seniority No. 3738, Passed Engineering degree in 1975 and was recruited against the vacancy of the year 1966. He was promoted to TES

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Group B on 2.6.1981 and his pay was fixed at Rs.680/- and in june, 1990 he was trawing Rs. 2975. It is also relevant to note that Shri T.R. Khanna opted for the fourt pay Commission w.e.f. 1.6.1987 while the applicants, named above Shri Hardas Singh and Vidya Prakash Gupta opted for the new pay scale w.e.f. 1.5.1987. Shri Adnashi Lal and Shri P.C. Joshi opted revised pay scale w.e.f. 1.3.1987 and Shri Navendra Kumar opted the new pay scale from 1.5.1987. The case of the applicants is that higherpay of Shri T.R. Khanna is due to the DOT letter dated 11.5.1990, referred to above. This letter of 11.7.1990 is on the subject of advance increments for acquiring higher qualication in Engineering. The advance incroments under this order will be effective from 1.5.1990 in the scale of pay of the post which they hold on 1.5.1990. In April, 1990 the pay drawn by Shri T.R. Khanna was Rs. 2750/- which was the same pay which was drawn by the applicants Shri Abnashi Lal, Vidya Prakash Gupta and Shri Navendra Kumar and at that time Shri Hardas Singh and Shri P.C. joshi were drawing Rs. 2825/- each. In May, 1990 all the five applicants were drawing Rs.2825/- but Shri T.R. Khanna was drawing Rs. 2900/- and in june, 1990 the pay of Shri T.R.Khanna was further increased to Rs. 2975/- while the pay of above five applicant remained Rs.2825/- The respondents could not show that how this anomaly has accurred. The only contention raised by the respondent is that the matter is still under considertion and the applicants have prematurely filed this applicant. However, the applicants have already waited for more than six months after filing their respondents, a copy of which has been annexed as Annexure-III A.B.C.D. & E. to the applicant. These representation were made in September, 1990. The present applicant has benn filed in October, 1991. Thus, the applicants have already waitch

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for a considerable period and their grievance has not been departmentally remedied. The DOT was orders passed by the respondent that DOT was na ware of this fact and ordered an enquiry for furnishing the requisite information by 31st july, 1991. The case of the applicants is that there was a similar anomaly arising as result of grant of enhanced rate of qualification and pay of Rs. 30/- pm. to Auditors in the India Audit & Accounts Department and Clerk Grade-II in the Railway Accounts Department, who have passed the departmental examination and on basic of OM dated 6.7.1990 filed as Annexure-V to the applicantion, the anomaly has been removed. On the same pattern the applicants desired that their pay be also stepped up to the level of their junior Shri T.R. Khanna. Thus there is nothing to justify the non-grant of prayer made by the applicants in the present applicantion.

10. The respondents have also filed a copy of the judgement, passed in a bunch of OA by the principal Bench decided on 22.4.92 But the issue involved in those cases is totally different from the present applicanton, i.e. with regard to the fixation of seniority. Theres pondents have filed copy of CCP in a bunch of cases decided by the principal Bench on 28.2.92 but that too is not relevent.

11. On the principles os equity and fair play, there cannot be any diserimination in the fixation of pay and posts initially appointed and promoted to identical post and cadre in the same scale of pay then a junior, if getting higher pay, not as personal pay or special pay then a senior have to be stepped up to the same unless there is a specific reason. The respondents themselves have stated that they have considered the matter but they have not yet decided. The learned counsel for the applicant has also referred to the decision in the case of T.A. Sunderraja lyengar Vs PMG

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reported in 1989 Vol.1 CAT Bangalore Bench P.238, para-24 is relevant and is reproduced below :

I have bestowed considerable thought on the rival pleading and also examined carefully the relevant material placed before me. The entire case of the applicant hinges on the fact, whether the cut-off date, namely, 1.1.1973 specified in the aforesaid instructions of the DG, P and T in his letter dated 29.8.1975 (vide para-2) for resolving the anomaly in pay between a junior and a senior, for grant of benefit of stepping-up of pay is legal and rational. The argument of Sri Bhaktavatsalu, that his client should be given the benefit of stepping-up of pay on the very same principle adopted the provisions of FR 22-(C), in that, the benefit of stepping up of pay should be granted regardless of the cut-off dates 1.1.1973 initially stipulated become plausible and well-found. The intention underlying that principle is, that as far as possible the senior should not be at a disadvantage as compared to his junior, in regard to his pay, by imposing an impediment in the form of cut-off date in an arbitrary manner. The anomaly was glaring, Shri Bhaktavatsalu said as it was perpetuated in an identical post, held both by the junior as well as the senior, owing to the higher rate of advance increment drawn by Shri Srinivasan in the scale of pay revised with effect from 1.1.1973 consequent to the junior attaining a higher professional qualification. The applicant who was senior to Shri Srinivasan, he submitted, draw advance increment similarly, but in the pre-revised pay scale, while incentive he said, was virtually nullified by the higher rate of increment, drawn by his junior in the revised scale of pay.

12 In view of the above facts, the application is allowed and the respondents are directed to step-up the pay of the

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applicants to the level of the junior Shri T.R.Khanna with all consequential benefits of pay and allowances. The respondents are directed of comply with the directions within three months from the date of receipt of a copy of this order. How ever, this order shall be subject to any change in the seniority list which may be prepared by the respondents on the direction issued in any judgement of CAT.

In the circumstances, parties to bear their own costs.

(J.P.Sharma)
Member (J)

The above judgment is in respect of anomaly arising out of grant of two advance increments to those who acquired Engineering degree while in service and is in respect of a case filed by some individuals in CAT Delhi-Editor.

gpa

TRUE EXTRACT OF DEPARTMENT OF TELECOM. F.No.4-18/91-PAT
DT.7.5.1993.

I'm directed to refer to your office letter No. STA/GO-5346/89, dated 7.4.1993 on the above subject and to say that the case has been examined in consultation with the ministry of law and the Department of personnel and Trg. and it has been decided that the judgment of CAT principal Bench dated 17.7.1992 may be implemented in respect to the applicants only, subject to the following conditions:-

- (a) The stepping up is allowed only in the cases where the senior officer who got the benefit under the pre 1973 advance increment scheme was drawing more pay than his counter part who got the benefit under DOT orders No.15-1/89 PAT dated 11.7.1990 prior to may, 1990 and starting getting less pay after 1.5.1990.
 - (b) The anomaly should be as a result of may 1990 scheme and not due to any other reason like officiating promotion etc.
 - (c) In revised seniority list issued by the personnel Bench, the pre 1973 beneficiaries should be senior to the officer with reference to whom he is requesting stepping up of pay.
 - (d) All other conditions prescribed in FRS for stepping up should be fulfilled.
- (2) It is requested that the Hon'ble CAT may be informed of the decision. As the stepping up requires approval of the Directorate, the cases along with the service books of the concerned seniors as well as juniors, all relevant records, proposals along with the comments of IFA of your circle may be sent for settlement of the cases. Further developments of the case may be intimated to this office.
- (3) This issues with the concurrence of Internal Finance vide their U.O.No.129 FA I/93. dt.4.5.1993.
DOT F.No.4-18/91-PAT, dt.7.5.1993.

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O.A.337/93

Annexure - A - IV

G.K.Nair, Assistant Director (TT),
O/o the CGMT, Thiruvananthapuram. Applicant
By Advocate Shri.G.Banidharan Chempazhanthili.

Vs

1. The Chief General Manager, Telecom, Kerala Circle, Trivandrum.
2. Telecom Commission represented by its Chairman, Telecom Directorate, New Delhi.
3. Union of India, represented by its Secretary in the Ministry of Communications, New Delhi. Respondents.

By Advocate Shri.MVS.Nampoothiry,
Additional Central Government Standing Counsel.

O.A.No.1134/93

1. CA.Gopinathan, Superintendent, Telegraph Traffic, O/o the SSTT, Calicut.
2. CVA.Nambiar, Superintendent I/C, Central Telegraph Office, Calicut.
3. M.Daniel, Superintendent of Telegraph Traffic Lecturer, RTTC, Thiruvananthapuram.
4. KK Joseph, Superintendent I/C, CFO, Kottayam. Applicants

By Advocate Shri.G.Sasidharan Chempazhathiyil

Vs

1. Union of India, represented by its Secretary in the Ministry of Communications, New Delhi.
2. The Director General/Chairman, Telecom Directorate, New Delhi.
3. The Chief General Manager, Telecom Circle, Kerala, Thiruvananthapuram. Respondents

By Advocate Shri.Mathews J Nedumpara,
Additional Central Government Standing Counsel.

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Contentions raised in these three cases are similar, and so are the reliefs sought. They are therefore disposed of by a common judgement.

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2. Applicants in all the cases are Telegraph Traffic Superintendents Grade-B. According to them (and it is not disputed by respondents) their juniors are drawing a higher pay than them. In the light of the provisions of FR-22-C and DG P&T's instruction, Ministry of Finance, O.M. No. F2(10)-EIII(A)/G2 dt. 20.6.1965, they are entitled to stepping up of pay, submits counsel for applicants. Counsel appearing for applicants invited our attention to several reported decisions, which lay down that a senior drawing a pay lesser than his junior is entitled to have his pay stepped up to the level of that of this junior, irrespective of the reasons that lead to the anomaly in pay. Difference in pay and allowances would result from a variety of reasons. A junior may receive an adhoc promotion. A junior may receive special pay. There could be other reasons as well. In all cases (except where reduction is by way of disciplinary proceedings) a senior will be entitled to have his pay stepped up to the level of the pay received by his junior, due to tortuous circumstances. This is the view taken in Smt. N. Lalitha and others Vs Union of India and others, (1992) 19 ATC, 569 and Anil Chandra Das Vs Union of India, (1988) 7 ATC, 224. It is also said that the view in Anil Chandra Das Vs Union of India was affirmed on merits by the Supreme Court of India in SLP No. 10994/91. This Bench of the Tribunal also has taken a similar view in P. Gangadhara Kurup & Others Vs Union of India & others, 1993(1)(T)J 165.

3. In the light of the principles laid down in these decisions we direct the respondents, or such of them as is competent to do so, to step up the pay of applicants to the level of their junior drawing a higher salary than them. Such refixation will be made within six months from today. This will be done with effect from the date on which the juniors were regularly promoted.

4. Applications are allowed as above. No costs.

Dated, the 29th October, 1993.

Sd/-
S. KASIPANDIAN
ADMINISTRATIVE MEMBER.

Sd/-
CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN.

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23' Annexure - A - V

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. 208/94.

Dt. of Decision : 31-1-95.

1. P.S.R. Murthy
 2. G. Ramakrishna
 3. K.S.N. Murthy
 4. C.S.R. Murthy
 5. G.V. Varaprasad
 6. G. Sri Ramachandra Rao

... applicants.

Vs

1. The Telecom Commission,
rep. by its Chairman,
Govt. of India, New Delhi.
2. The Chief General Manager,
Telecommunications, A.P.Circle,
Govt. of India, Hyderabad.
3. The Chief General Manager,
T.Q.A.Circle, Dept. of Telecommunications,
61, Cock Burn Road, Viswas Bhavan,
Bangalore-560 051
4. The Director General,
Telecom Engineering Centre,
Govt. of India,
New Delhi-110 001. Respondents.

Counsel for the Application : Mr. D. Madhava Reddy

Counsel for the Respondents : Mr. N.V. Raghava Reddy,
Addl. CBSC.CORAM

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

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

D.A. No. 208/94.

DATE 31/1/95

JUDGMENT

1. as per Hon'ble Sri R. Rangarajan, Member (Administrative) Heard.
2. Application No. 1 to 4 and 6 were recruited as junior Engineers in the year 1970 in the Department of Telecommunications and the applicant No. was recruited as

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J.E. in the year 1969. All the applicants were subsequently promoted to TES Gr. 'B' in the years 1985, 1988 and 1989 (Applicant No.1 in 1985, Applicant No.2 to 4 & 6 in the year 1989 and applicant No.5 in the year 1988) on passing the qualifying examination prescribed thereto. As on 1.7.1990, the applicants No.2,5 & 6 were drawing a basic pay of Rs.2450/- applicant No.1 was drawing a basic pay of Rs.2600/- and the applicants No.3 & 4 were drawing a basic pay of Rs.2.375/-. The details as to the year/date of joining as junior Engineers, dates of promotion to TES Gr. 'B', seniority position and pay as on 1.7.1990 in respect of each applicant are shown in page-3 (para-4(b)) of the OA.

3. Department of Telecommunications Vide their letter dt. 11.7.1990 (page-14 of the material papers) had granted advance increments to the Telecom officials/ officers for acquiring a degree in Engineering or equivalent qualification while in service. Sri M.Venkoda Rao who was junior to the applicant herein was granted two advance increments while he was working in TES Gr. 'B' in terms of the above orders. Therefore, the pay of Sri Venkoda Rao, junior to the applicants herein was enhanced to Rs.2750/- 1.5.1990 and thus he continued to draw higher pay than the applicants herein.

4. The applicants in this O.A. prays for a direction to the respondents to remove the anomaly in pay fixation arising out of the letter dt.11.7.1990 (page-20 of the material papers) issued by the Department of Telecommunications and to step up their pay equal to their junior Sri.M.Venkoda Rao with all consequential benefits.

5. the time of hearing Sri. N.V.Raghava Reddy, learned standing Counsel for respondents produced a copy of letter dt.2.5.1994 bearing No.49-1/94-PAT. As per the said letter R-2 was directed to get the OAs withdrawn filed in the CAT by

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the respective applicants arising out of the letter dt.11.7.1990 to remove the anomaly in pay arising out of grant of advance increments in the light of the instructions contained in letter dt.11.7.1990 as the Government has decided to step up the pay of all officers in all such cases. A direction was also given in the same letter to R-2 to step up the pay of the applicants concerned as per the instructions contained in office letter No.4-24/90-PAT dt.10.2.1994. As this OA is also covered by those instructions quoted above, it is obvious that the respondents have decided to grant the relief as prayed for in the case of the applicants herein also and hence there is nothing left for adjudication.

6. The OA is thus disposed of without any further orders. No costs.

Sd/
 Court Officer
 Central Administrative Tribunal
 Hyderabad Bench
 Hyderabad

To

1. The Chairman, Telecom Commission,
 Govt. of India, New Delhi.
2. The Chief General Manager, Telecommunications,
 A.P. circle, Govt. of India, Hyderabad.
3. The Chief General Manager, T.O.A.Circle,
 Dept. of Telecommunications, 61, Cock Burn Road,
 Viswas Bhavan, Bangalore-051.
4. The Director General, Telecom Engineering Centre,
 Govt. of India, New Delhi-1.
5. copy to Mr. D. Madhava Reddy, Advocate CAT.Hyd.
6. One copy to Mr. N. V. Raghava Reddy, Addl. CGSC. CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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Annexure-A-VI

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From:
G.RAMAKRISHNA
S.D.E. (CC) III

Date : April 17.1995

To :

General Manager,
Hyderabad Telecom District
Suryalok Complex
HYDERABAD-1

Respected Sir,

Sub : Request for revising pay - Central
Administrative Tribunal Hyderabad
Bench judgement - Reg.

I have request to revise my pay on par with
Sri.M.Venkoda Rao, SDE (Cables) Charminar, who is junior to
me in all respects and drawing higher pay vide my letter
dated 20.11.1993 (copy enclosed). Meanwhile I have filed a
writ petition in the Central Administrative Tribunal, at
Hyderabad, vide O.A. No.208/94. The Hon'ble justice, Central
Administrative Tribunal, Hyderabad Bench, in his judgement
has given a direction for revise my pay on par with Sri
M.Venkoda Rao, SDE (Cables) Charminar) vide his decision
No.OA 208/94 dated 31.1.1995 (copy enclosed).

Hence, it is requested to revise my pay on par with
Sri M.Venkoba Rao, SDE (C) Charminar and arrange to make
payment of arrears at the earliest.

Thanking you,

Yours faithfully,
(G.RAMAKRISHNA)

Copy to :

Chief General Manager
A.P.Telcom, Hyderabad.

OJP

DEPARTMENT OF TELECOMMUNICATIONS

From:

The General Manager,
Telecom District,
Hyderabad.

To:

Shri.G. Ramakrishna,
S.D.E.(CC) III,
Taramandal Complex,
Hyderabad.

No. SR/Pay (M)/SP/94-95/GR, Dated at Hyd. the 14th July, 1995

Sub: Stepping up of Pay of Senior Officers
on par with Junior Officers.

Ref: Your representation dated 20.11.93 and
representation dated 17.4.1995.

- - -

The case of stepping up of your pay on par
with Sri. Venkoba Rao has been
examined. It is found that Sri. Venkoba Rao has been
drawing more pay than you prior to 1.5.90 due to local
officiating promotions. In accordance with the
clarification received from DOT under Lr. No. 9183/94-PAT
dt. 15.2.95 the provisions of DOT ND Lr. No. 4024/90-PAT
dt. 1.6.94 can not be applied in cases where the Junior
Officer is drawing more pay than the Senior due to local
officiating promotion. As such, your pay can not be
stepped up on par with Sri. M. Venkoba Rao, SDE(O) CMR.
This is for your kind information.

Sd/-

Sr. Accounts Officer, Pay (M),
O/o G.M., Hyd.

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P. Naveen Rao
Advocate
Counsel for the applicant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 922/96.Dt. of Decision : 16/12/96.

G. Ramakrishna

.. Applicant.

Vs

1. The Telecom Commission,
Rep. by its Chairman,
Govt. of India, New Delhi.
2. The Chief General Manager,
Telecommunications, AP Circle,
Govt. of India, Hyderabad.

.. Respondents.

Counsel for the Applicant : Mr. P. Naveen Rao

Counsel for the Respondents : Mr. N. R. Devaraj, Sr. CGSC.

CORAM:

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



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ORDER

ORAL ORDER (PER HON. SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.))

Heard Mr.K.Paneraj for Mr.P.Naveen Rao, learned counsel for the applicant and Mr.N.R.Devaraj, learned counsel for the respondents.

2. The applicant is presently working as Assistant Engineer in the department of Telecommunication at Hyderabad. While giving the service particulars of himself and that of his junior Mr.M.Venkoba Rao, he complains that pay of his junior is more than ^{what} as he is getting and that his pay should be stepped up on par with his junior Mr.M.Venkoba Rao. The service ~~particulars~~ particulars of the applicant and that of Mr.M.Venkoba Rao are detailed in page-2 of the OA and reads as below:-

Sl. No.	Name Particulars	G.Rama Krishna	M.Venkoba Rao
1)	Year of recruitment as J.E.	1970	1970
2)	Date of Joining as J.E.	8-11-72	31-8-73
3)	<u>Basic Pay as on:-</u>		
	(a) 31-8-73	470/-	425/-
	(b) 1-1-86	2060/-	2300/-
	(c) 1-7-90	2450/-	2750/-
4)	Date of Selection to T.E.S. Gr.'B'	9-3-89	25-4-90
5)	Seniority No.	3338	6492
6)	Qualifications	B.E.,	Grade I.T.E. during service

3. Earlier, the applicant and 4 others had filed OA.208/94 before this Tribunal for the similar relief. When that OA came up for hearing on 31-1-95 the respondents relied upon the letter dated 2-5-94 and submitted to the Bench that the case of the applicants in OA.208/94 would be considered and they

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would be given benefits they ~~are~~ claimed in the OA. The observations made by this Tribunal in para-5 of the said OA is as follows:-

" At the time of hearing Sri N.V.Raghava Reddy, learned standing counsel for respondents produced a copy of letter dt. 2-5-94 bearing No.49-1/94-PAT. As per the said letter R-2 was directed to get the OAs withdrawn filed in the CAT by the respective applicants arising out of the letter dated 11-7-90 to remove the anomaly in pay arising out of grant of advance increments in the light of the instructions contained in letter dated 11-7-90 as the Government has decided to step up the pay of all officers in all such cases. A direction was also given in the same letter to R2 to step up the pay of the applicants concerned as per the instructions contained in office letter No.4-29/90-PAT dt. 10-2-94. As this OA is also covered by these instructions quoted above, it is obvious that the respondents have decided to grant the relief as prayed for in the case of the applicants herein also and hence there is nothing left for adjudication".

On account of the letter dated 2-5-94 produced by the respondents in the said OA, this Tribunal disposed of OA.208/94 without any further orders.

4. It is the grievance of the applicant that inspite of the undertaking given by the respondents and inspite of a representation dated 14-7-95 the respondents have not considered his case for stepping up of his pay on par with that of Mr. M. Venkoba Rao.

5. The respondents have not filed any counter affidavit to this OA. However during the ~~Court~~ ^{Cause of} ~~Bench~~ argument the learned counsel for the respondents relied upon the Full Bench decision in OA.127/94 and batch applications and contended that merely because when the pay of his junior is stepped up on account of the local officiating arrangement and other conditions in other



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circle the pay of the ~~junior~~ seniors working in another circle need not be stepped up. It is submitted that the seniority of the applicant is based on the All India seniority. Thus, the learned counsel for the respondents submitted that the applicant is not entitled to stepping up of his pay on par with that of Mr. M. Venkoba Rao. By ~~way~~ of reply the learned counsel for the applicant submitted that the Full Bench decision was rendered on 27-6-96, that the decision in Full Bench is prospective in nature, ^{and} that the respondents cannot go back by the letter dated 2-5-94.

6. Having heard the learned counsels, I feel it proper to direct the respondents to consider the representation of the applicant dated 14-7-95 in the light of the letter dated 2-5-94 in accordance with rules. The respondents shall consider the representation of the applicant in accordance with ^{the} under taking given in OA.208/94 in accordance with law.

7. Time for compliance is 4 months from the date of receipt of a copy of this order.

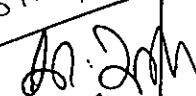
8. The OA is disposed of as above. No order as to costs.


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

Dated : The 16th December 1996.
(Dictated in the Open Court)

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16/12/96


A. D. M.
Dy. Registrar/JJ

Copy to:-

1. The Chairman, Telecom Commission, Govt. of India, New Delhi.
2. The Chief General Manager, Telecommunications, A.P.Circle, Govt. of India, Hyd.
3. One copy to Sri. P.Naveen Rao, advocate, CAT, Hyd.
4. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One copy to Hon'ble Mr. B.S.Jai Parameshwar, Judicial Member.
7. One spare copy.

Re: /-

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תְּמִימָה וְתִבְרָגָה בְּתִבְרָגָה תְּמִימָה וְתִבְרָגָה

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

A.N.B.-

THE HON'BLE SHRI B.S. JAI PARAMESHWAR
M(J)

DATED:

16/12/91

ORDER/JUDGMENT

~~7.6.1/e.p/n.s.nts~~

Q.A. NO.

922/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALL PARTIES

DISPOSED OF WITH DIRECTIONS

DISMISSED

~~DISMISSED AS WITHDRAWN~~

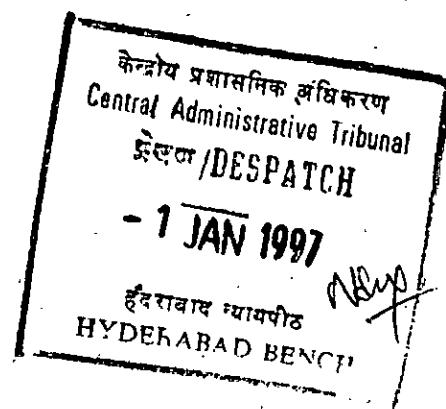
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~~NO PAPER AS TO COSTS~~

— 1 —

II COURT

YLKR



ORDER

ORAL ORDER (PER HON. SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.))

Heard Mr.K.Paneraj for Mr.P.Naveen Rao, learned counsel for the applicant and Mr.N.R.Devaraj, learned counsel for the respondents.

2. The applicant is presently working as Assistant Engineer in the department of Telecommunication at Hyderabad. While giving the service particulars of himself and that of his junior Mr.M.Venkoba Rao, he complains that pay of his junior is more than ^{what} he is getting and that his pay should be stepped up on par with his junior Mr.M.Venkoba Rao. The service ~~particulars~~ particulars of the applicant and that of Mr.M.Venkoba Rao are detailed in page-2 of the OA and reads as below:-

Sl. No.	Name Particulars	G.Rama Krishna	M.Venkoba Rao
1)	Year of recruitment as J.E.	1970	1970
2)	Date of Joining as J.E.	8-11-72	31-8-73
3)	<u>Basic Pay as on:-</u>		
	(a) 31-8-73	470/-	425/-
	(b) 1-1-86	2060/-	2300/-
	(c) 1-7-90	2450/-	2750/-
4)	Date of Selection to T.E.S. Gr.'B'	9-3-89	25-4-90
5)	Seniority No.	3338	6492
6)	Qualifications	B.E.,	Grade I.T.E. during service

3. Earlier, the applicant and 4 others had filed OA.208/94 before this Tribunal for the similar relief. When that OA came up for hearing on 31-1-95 the respondents relied upon the letter dated 2-5-94 and submitted to the Bench that the case of the applicants in OA.208/94 would be considered and they

R

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 922/96.

Dt. of Decision : 16/12/96.

G. Ramakrishna

.. Applicant.

Vs



1. The Telecom Commission,
Rep. by its Chairman,
Govt. of India, New Delhi.
2. The Chief General Manager,
Telecommunications, AP Circle,
Govt. of India, Hyderabad.

.. Respondents.

Counsel for the Applicant : Mr. P. Naveen Rao

Counsel for the Respondents : Mr. N. R. Devaraj, Sr. CGSC.

CORAM:

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

[Signature]

..2

circle the pay of the ~~same~~ seniors working in another circle need not be stepped up. It is submitted that the seniority of the applicant is based on the All India seniority. Thus, the learned counsel for the respondents submitted that the applicant is not entitled to stepping up of his pay on par with that of Mr. M. Menkoba Rao. By way of reply the learned counsel for the applicant submitted that the Full Bench decision was rendered on 27-6-96, that the decision in Full Bench is prospective in nature, ^{and} that the respondents cannot go back by the letter dated 2-5-94.

6. Having heard the learned counsels, I feel it proper to direct the respondents to consider the representation of the applicant dated 14-7-95 in the light of the letter dated 2-5-94 in accordance with rules. The respondents shall consider the representation of the applicant in accordance with ^{the} under taking given in OA.208/94 in accordance with law.

7. Time for compliance is 4 months from the date of receipt of a copy of this order.

8. The OA is disposed of as above. No order as to costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal
हैदराबाद व्यापरीठ
HYDERABAD BENCH

केन्द्रीय	CASE NUMBER.....	22/96
प्रशासनिक अधिकारी	Date of Judgement.....	16/12/.....
हैदराबाद व्यापरीठ	प्राप्त तथार किंवा याद दिन	30/12/96
HYDERABAD BENCH	Copy Made Ready on.....	
<p>अधिकारी अधिकारी (न्यायालय)</p> <p>Section Officer (J)</p>		

would be given benefits they ~~are~~ claimed in the OA. The observations made by this Tribunal in para-5 of the said OA is as follows:-

"At the time of hearing Sri N.V.Raghava Reddy, learned standing counsel for respondents produced a copy of letter dt. 2-5-94 bearing No.49-1/94-PAT. As per the said letter R-2 was directed to get the OAs withdrawn filed in the CAT by the respective applicants arising out of the letter dated 11-7-90 to remove the anomaly in pay arising out of grant of advance increments in the light of the instructions contained in letter dated 11-7-90 as the Government has decided to step up the pay of all officers in all such cases. A direction was also given in the same letter to R2 to step up the pay of the applicants concerned as per the instructions contained in office letter No.4-29/90-PAT dt. 10-2-94. As this OA is also covered by these instructions quoted above, it is obvious that the respondents have decided to grant the relief as prayed for in the case of the applicants herein also and hence there is nothing left for adjudication".

On account of the letter dated 2-5-94 produced by the respondents in the said OA, this Tribunal disposed of OA.208/94 without any further orders.

4. It is the grievance of the applicant that inspite of the undertaking given by the respondents and inspite of a representation dated 14-7-95 the respondents have not considered his case for stepping up of his pay on par with that of ^{his junior} Mr.M.Venkoba Rao.

5. The respondents have not filed any counter affidavit to this OA. However during the ~~Court~~ ^{Cause of} ~~Bench~~ argument, the learned counsel for the respondents relied upon the Full Bench decision in OA.127/94 and batch applications and contended that merely because when the pay of his junior is stepped up on account of the local officiating arrangement and other conditions, in other



FORM NO. 21.

(SEC. 4114.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD.

~~RECEIVED
1997~~

O.A. 11

... C.P. 88 OP 1997

In O.A. 922/86

..... G. Ramakrishna Applicant (S)

versus

..... Sri. Gokul, Dr. P. S. R. Rao, Mr. N. N. Reddy, ... Respondent (S)

INDEX SHEET

Serial No

Description of Documents
and Dates.

Pages.

Docket Orders.

Interim orders

Order In MA (S)

Reply Statement

Rejoinder

Orders In (Final Orders)

8-1-88 11 to 13

Certified that the file is complete
in all respects.

22/1/98
Signature of
Dealing Hand.

(In Record Section)

Signature of S.O.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD.
C.P. 88/97

O.A. NO. 922 of 1996

G. Ramakrishna

Applicant(s).

VERSUS.

Sri Gokale, Chairman, Telecom Commission,
New Delhi & another (Respondents)

Date	Office Note	Order
<u>11/12/97</u>		fix]- it on 22/12/97.
<u>8-1-98.</u>		HBSJP HRRN M(J) 14(A)

Heard Mr. Phaniry for Mr. P. Naveen Rao for the applicant and Mr. V. S. Tyandrayam for Mr. N. R. Devary for the respondents.

The learned counsel for the respondents submit that the representation was not readily available and hence the applicant was asked to give a copy of the representation, which was given by him only in August, 1997. The reply is ready and will be issued within a week time.

In view of the above, the C.P. is closed and the respondents are directed to issue the reply on or before 16-1-98.

B
HBSJP
M(J)

D
HRRN
M(A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD

(Application Under Sec. 17 of the A.T. Act, 1985)

C.P.No. 88 of 1997

in

O.A.No. 922 of 1996

Between:-

G. Ramakrishna, S/o. Subbiah,
aged about 50 years, Assistant Engineer,
(Cable Construction-III), Hyderabad Telephones
Hyderabad. ... Applicant.

A N D

1. Sri. Gosale,
The Telecom Commission,
rep. by its Chairman,
Government of India, New Delhi.
2. Sri M.V. Bhaskar Rao,
The Chief General Manager,
Telecommunications, A.P.Circle,
Government of India, Hyderabad. ... Respondents.

For the reasons stated in the accompanying
affidavit it is prayed that the Hon'ble Tribunal may
be pleased to exercise the power of Contempt under Section
17 of the Administrative Tribunals Act and punish the
respondents ... ~~for wilfully and~~ 1971 for
wilfully and deliberate disobedience of the orders of
this Hon'ble Tribunal passed in O.A.No.922/96, dated
16.12.1996 and direct the respondents to implement the
orders of this Hon'ble Tribunal in true letter and spirit
and pass such other and further order or orders as this
Hon'ble Tribunal may deem fit and proper in the circumstances
of the case.

Hyderabad,

(COUNSEL FOR THE APPLICANT)

Dated 17-11-1997.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

C.P.No. 86 of 1997

in

O.A.No. 922 of 1996

Between:-

G. Ramakrishna. ... Applicant.

And

Sri
The Telecom Commission,
rep. by its Chairman,
Government of India, New Delhi & another. ... Respondents.

AFFIDAVIT

I, G. Ramakrishna, S/o. Subbaiah, aged about 51 years, Assistant Engineer, (Cable Construction III), Hyderabad Telephones, Hyderabad, do hereby solemnly affirm state and declare as follows:-

1. I am the ~~ms~~ applicant herein and as such I am well acquainted with the facts of the case.
2. I state that I am working as a Assistant Engineer in the 2nd respondent organisation. I filed the O.A. seeking a direction from this Hon'ble Tribunal to the respondents to remove the anomoly in pay fixation and to step-up my pay on par with my junior Mr.M.Venkata Rao on and from the date of anomoly with all consequential benefits. This Hon'ble Tribunal while disposing off the said O.A. on 16.12.1997 certain directions were issued to the respondent as below:-

"Having heard the learned counsels, I feel it proper to direct the respondents to consider

1st page:

corres:

G. Ramakrishna
DEPONENT

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the representation of the applicant dated 14.7.1995 in the light of the letter dated 2.5.94 in accordance with rules. The respondents shall consider the representation of the applicant in accordance with that under taking given in O.A. 208/94 in accordance with law."

3. The Hon'ble Tribunal fixed the time limit for compliance of the above direction as four months from the date of the receipt of the order. The said copy of the order dt. 16.12.1996 was made ready on 30.12.1996. The applicant also submitted a representation requesting for compliance of the orders of this Hon'ble Tribunal in the above said O.A. So far no steps are taken by the respondents by the respondents till today in completion to the directions of this Hon'ble Tribunal vide order dated 16.12.1996 even after a lapse of eleven months.

..... and wilfully not complying with the orders of this Hon'ble Tribunal even though a time limited is fixed by this Hon'ble Tribunal for compliance of the orders. I state that this action of the Respondents is in clear violation of the orders of this Hon'ble Tribunal and they have committed contempt of the order of this Hon'ble Tribunal and therefore the respondent is liable to be proceeded against under the contempt of Court Act, 1971.

4. For all the aforesaid reasons, I pray that the Hon'ble Tribunal may be pleased to exercise the power

2nd page:

Corres:




Bannekrishna
DEPONENT

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of Contempt under Section 17 of the Administrative
Tribunal Act and punish the respondents under Contempt
of Courts Act, 1971 for wilfully and deliberate
disobedience of the orders of this Hon'ble Tribunal
passed in O.A.No.922/96, dt. 16.12.1996 and direct
the respondents to implement the orders of this
Hon'ble Tribunal in true letter and spirit and pass
such other and further order or orders as this Hon'ble
Tribunal may deem fit and proper in the circumstances
of the case.

3rd Page & last page

Brarneeshw
DEPONENT

Corres:

Sworn and signed before me on this
the 25th day of Nov. '97 at Hyd.

O. S. Balu
Advocate: Hyderabad.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH
AT HYDERABAD.

O.A.No.922/96

Dt. of Decision: 16.12.96.

G. Ramakrishna.

... Applicant.

Vs.

1. The Telecom Commission,
rep. by its Chairman,
Govt. of India, New Delhi.

2. The Chief General Manager,
Telecommunications, AP Circle,
Govt. of India, Hyderabad.

... Respondents.

COUNSEL FOR THE APPLICANT : Mr. P. Naveen Rao

COUNSEL FOR THE RESPONDENTS : Mr. N.R. Devaraj, Sr. CGSC.

CORAM:-

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

ORDER

ORAL ORDER (PER HON. SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

Heard Mr. K. Paniraj for Mr. P. Naveen Rao, learned Counsel for the applicant and Mr. N.R. Devaraj, learned counsel for the respondents.

2. The applicant is presently working as Assistant Engineer in the department of Telecommunication at Hyderabad. While giving the service particulars of himself and that of his junior Mr. M. Venkoba Rao, he complaints that pay of his junior is more than what he is getting and that his pay should be stepped up on par with his junior Mr. M. Venkoba Rao. The service particulars of the applicant and that of Mr. M. Venkoba Rao are detailed in page-2 of the O.A. and reads as below:-

... 2.

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Sl.No.	Name/Particulars	G.Ramakrishna	M.Venkoba Rao
1.	Year of recruitment as J.C.	1970	1970
2.	Date of Joining as J.E.	8.11.1972	31.8.1973
3.	<u>Basic Pay as on:-</u>		
	a) 31.8.73	470/-	425/-
	b) 1.1.86	2060/-	2300/-
	c) 1.7.90	2450/-	2750/-
4.	Date of Selection to T.E.S.Gr.'B'	9.3.89	25.4.90
5.	Seniority No.	3338	6492
6.	Qualifications	B.E..	Grade I.T.E. during servi

3. Earlier, the applicant and 4 others had filed O.A. 208/94 before this Tribunal for the similar relief. When that O.A. came up for hearing on 31.1.1995 the respondents relied upon the letter dated 2.5.94 and submitted to the Bench that the case of the applicants in O.A. 208/94 would be considered and they would be given benefits they claimed in the O.A. The observations made by this Tribunal in para-5 of the said OA is as follows

"At the time of hearing Sri N.V.Raghava Reddy, learned standing counsel for the respondents produced a copy of letter dt. 2.5.94 bearing No.49-1/94-PAT. As per the said letter R-2 was directed to get the O.A.s withdrawn filed in the CAT by the respective applicants arising out of the letter dated 11.7.90 to remove the anomaly in pay arising out of grant of advance increment in the light of the instructions contained in letter dated 11.7.90 as the Government has decided to step up the pay of all officers in

• • •

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all such cases. A direction was also given in the same letter to R2 to step up the pay of the applicant concerned as per the instructions contained in office letter No.4-29/90-PAT, dt. 10.2.94. As this OA is also covered by these instructions quoted above, it is obvious that the respondents have decided to grant the relief as prayed for in the case of the applicant herein also and hence there is nothing left for adjudication".

On account of the letter dated 2.5.94 produced by the respondents in the said OA, this Tribunal disposed of O.A.208/94 without any further orders.

4. It is the grievance of the applicant that inspite of the undertaking given by the respondents and inspite of a representation dated 14.7.1995 the respondents have not considered his case for stepping up of his pay on par with that of his junior Mr.M.Venkoba Rao.

5. The respondents have not filed any counter affidavit to this O.A. However, during the cause of arguments the learned counsel for the respondents relied upon the Full Bench decision in O.A.127/94 and batch applications and contended that merely because when the pay of his junior is stepped up on account of the local officiating arrangement and other conditions in other circle the pay of the senior working in another circle need not be stepped up. It is submitted that the seniority of the applicant is based on the All India seniority. Thus, the learned counsel for the respondents submitted that the applicant is not entitled the stepping up of his pay on par with that of Mr.M.Venkoba Rao.

...

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By way of reply the learned counsel for the applicant submitted that the Full Bench decision was rendered on 27.6.1996, that the decision in Full Bench is prospective nature and that the respondents cannot go back by the letter dated 2.5.94.

6. Having heard the learned counsels, I feel it proper to direct the respondents to consider the representation of the applicant of the letter dated 2.5.94 in accordance with rules. The respondents shall consider the representation of the applicant in accordance with the under taking given in O.A.208/94 in accordance with law.

7. Time for compliance is 4 months from the date of receipt of a copy of this order.

8. The O.A. is disposed of as above. No order as to costs.

Sd/-
Court Officer.

// true copy //

J.D

- 1) Contemnor's name only
be mentioned.
- 2) Addresses, to be written on
assembly court lands.

Contempt Petition

HYDERABAD DISTRICT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYD.

(Application under Sec. 17 of the
A.T. Act, 1985)

C.P. No. of 1997

in

O.A. No. 922 of 1996

24 days P.M.

Complainant

W

1/12/97



CONTEMPT PROCEEDINGS

Received
27.11.97
for N.R. Devnay
from [unclear]

Received
on 28/11/97
Received
on 28/11/97

Filed on:- 11-1997.

Filed by:-

M/s. P. Naveen Rao
P. Kishore Rao,
Advocates,
Counsel for the Applicant.

May 16/98
21/11/97

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

CP 88/97 M O.A. NO. 922/96

Between:

Dt. of Order: 8.1.98

G. Ramakrishna,

..Applicant.

And

Sri Gokale

1. The Telecom Commission, rep. by its Chairman,
Govt. of India, New Delhi.
Sri M.V. Bhaskara Rao
2. The Chief General Manager, Telecommunications,
A.P. Circle, Govt. of India, Hyderabad.

..Respondents.

Counsel for the Applicant : Mr. P. Naveen Rao

Counsel for the Respondents : Mr. N.R. Devraj

CORAM:

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

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

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Heard Mr. Phaniraj for Mr. P. Naveen Rao for the applicant and Mr. W. Satyanayana for Mr. N.R. Devraj for the respondents.

The learned counsel for the respondents submit that the representation was not readily available and hence the applicant was asked to give a copy of the representation, which was given by him only in August, 1997. The reply is ready and will be issued within a week time.

In view of the above, the CP is closed and the respondents are directed to issue the reply on or before 16.1.98.

Amulya
16.1.98
DEPUTY REGISTRAR

27/1/98
TYPED BY
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CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

THE HON'BLE MR. B. S. JAI PARAMESHWAR :
M(J)

DATED: 8/1/98

ORDER/JUDGMENT

~~M.T./R.A.~~ /C.A. NO. ~~200/96~~ 88/97

in
C.A. NO. 922/96

ADMITTED AND INTERIM DIRECTIONS
ISSUED

~~ALLOWED~~

DISPOSED OF WITH DIRECTIONS

~~DISMISSED CP closed.~~

~~DISMISSED AS WITHDRAWN~~

~~DISMISSED FOR DEFAULT~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS.~~

II COURT

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
इच्छा/DESPATCH

16 JAN 1998

हृदय रावाद म्यायपीठ
HYDERABAD BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDABAD BENCH AVBL 480
CP 88197 in D.A.R. 923/96

Between:

Dt. of Order: 8.1.93

G. Venakrishna

... applicant.

And

Sri. Golakale

1. The Telecom Commission, rep. by its Chairman, Govt. of India, New Delhi.
H.V. Bhaskar Rao
2. The Chief General Manager, Telecommunications, N.C. Circle, Govt. of India, Hyderabad.

... respondents.

Counsel for the applicant : Mr. P. Naveen Rao

Counsel for the Respondents : Mr. V. I. Devraj

Counsel:

THE HON'BLE SHRI T. S. SINGH, JAI : NUMBER (A)

THE HON'BLE SHRI B. S. JAI : NUMBER (B)

THE TRIBUNAL PASSED THE FOLLOWING ORDER:

Heard Mr. Phaniraj for Mr. P. Naveen Rao for the applicant and Mr. V. I. Devraj for Mr. N. R. Devraj for the respondents.

The learned counsel for the respondents submit that the representation was not readily available and hence the applicant was asked to give a copy of the representation, which was given by him only in August, 1997. The reply is ready and will issued within a week time.

In view of the above, the CP is closed and the respondents are directed to issue the reply on or before 18.1.93.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

SD/-x x
DULY CERTIFIED
BY

Dulal Ray

1. निवासी (नामिक)

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IN THE COURT AT 477/1 1ST FLOOR, 130ft. ROAD, HYDERABAD, 440 001. 9-3

CP 88/97 in 1.3.3.922/36

Between:

dt. of Order: 9.1.93

G. Venkatesh

... applicant.

and

Sri. Gokale

1. The Telecom Commission, rep. by its Chairman, Govt. of India, New Delhi.
2. Sri. M.V. Bhagkara Rao, The Chief General Manager, Telecommunications, 4th Circle, Govt. of India, Hyderabad.

... respondents.

Counsel for the applicant is Mr. P. Javeed - (J)

Counsel for the respondents is Mr. A. S. Devraj

Counsel:

THE HON'BLE JUDGE R. S. G. - (J) is present (J)

THE HON'BLE JUDGE R. S. G. - (J) is present (J)

THE TRIBUNAL IS NOT PRESENT (J)

Heard Mr. Pheniraj for Mr. P. Javeed, rep. for the applicant and Mr. A. S. Devraj for Mr. A. S. Devraj for the respondents.

The learned counsel for the respondents submitted that the representation was not readily available and hence the applicant was asked to give a copy of the representation, which was given by him only in August, 1992. The reply is ready and will issued within a week time.

In view of the above, the C.P. is closed and the respondents are directed to issue the reply on or before 16.1.93.

SD/-x x
100/177/100/100

प्रमाणित प्रति

CERTIFIED TO BE TRUE COPY

Dinesh Kumar

1. नियंत्रित दस्तावेज़ (प्रतिलिपि)

2. नियंत्रित दस्तावेज़ (प्रतिलिपि)

3. नियंत्रित दस्तावेज़ (प्रतिलिपि)

4. Central Administrative Tribunal

5. नियंत्रित दस्तावेज़ (प्रतिलिपि)

HYDERABAD 222401