

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.No.5 OF 1996.

Date of Order:4-8-1998.

Between:

B.Bheem Singh.

.. Applicant

a n d

1. The Director General,
Telecommunications, Government
of India, New Delhi.
2. The Chief General Manager,
Telecommunications, A.P.Circle,
Hyderabad.
3. The Director of Finance and
Accounts, O/o. Chief General Manager,
Telecommunications, A.P.Circle,
Hyderabad.
4. The Senior Superintendent (Tele-Traffic),
Kurnool Division, Department of Tele-
communications, Kurnool.

.. Respondents

COUNSEL FOR THE APPLICANT :: Mr.V.Venkateshwara Rao

COUNSEL FOR THE RESPONDENTS:: Mr.V.Bhimanna

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

A N D

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUD L)

: O R D E R :

ORAL ORDER (AS PER HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (J))

Heard Mr.V.Venkateshwara Rao for the Applicant
and Mr.V.Bhimanna for the Respondents.

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2. The applicant served the Indian Navy as a telegraphist from 1968 to 1978. He was discharged from military service on 30-4-1978. After his discharge, he was sent for training as Telegraphist with effect from 10-12-1979 for a period of nine months in the Indian Posts & Telegraphs Department. After successful completion of training, he was offered the civil post of Telegraphist and was appointed, as such, vide Memo dated: 18-9-1980 with effect from 10-9-1980. He was appointed against the post earmarked for Ex-servicemen, ⁱⁿ as the scale of pay ^{of} was Rs.260-480, as Telegraphist.

3. Considering his military service, his pay was fixed at Rs.284/- by the General Manager, vide his letter dated: 18-11-1986. Aggreived by such fixation, he submitted a representation dated: ~~24-1-1987~~. On the basis of the said representation, a ^{clarification} ~~Circular~~ was sought for grant of three advance increments and for fixing his pay at Rs.308/- with effect from 10-9-1980. The Accounts Officer(F), Office of General Manager, Telecom, A.P.Circle, Hyderabad clarified that the fixation of pay as made is in order and need not be revised.

4. The applicant submits that, he was entitled to the fixation of his pay at Rs.316/- in the scale of pay of Rs.260-480 with effect from 10-9-1980 as ^{reckoning} ~~in regard to~~ his services in the military and as per the instructions of the Government of India's letter dated: 22-1-1987, fixation of pay of Ex-servicemen on their re-employment.

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5. Hence, the applicant has filed this OA for a declaration that, he is entitled for fixation of his pay at Rs.316/- in the pay scale of Rs.260-480 with effect from 10-9-1980 and at an appropriate stage in the revised scale of pay of Rs.975-1660 with all consequential benefits, and also to quash the letter dated:6-6-1987 bearing No.E-24/CORR/7 of the Respondent No.4.

6. The respondents have filed their counter stating that, fixation of pay of the applicant at Rs.284/- was in order, ~~and~~ that the applicant failed to opt for the combined service and ^{that} he did not also refund his retirement benefits. In support of their contention, they have relied upon the Regulation of Pay during Re-employment, Chapter.3 of Swamy's Compilation of Re-employment of Pensioners, in respect of those rules which were applicable to the re-employment made prior to 1-7-1986.


7. The learned Counsel for the applicant during the course of his argument, attempt^{ed} to rely on the Notification dated:11-5-1987 but those notifications came into effect only from 1-1-1987. Since the applicant was appointed on 10-9-1980, The ^{notification} ~~letter~~ that is applicable is OM.No.2(9)/65(6614)/D(Civ.I),dated:30-5-1966.

8. It is submitted that the applicant had not given option for combined service and had not refunded the retirement benefits. The applicant, if so advised, may submit an option as per the standing circular within a period of 30 days from the date of receipt of a copy of this Order. If such an option is received from the

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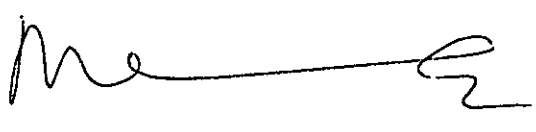
applicant within that stipulated date, then his pay should be fixed according to his option ^{in accordance} ~~in~~ accordance with the ^{Rules relating to} regulation of pay in respect of re-employment prior to 1-7-1986.

9. The O.A. is ordered accordingly. No order as to costs.


(B.S. JAI PARAMESHWAR)

MEMBER (JUDL)

L/18/98


(R. RANGARAJAN)

MEMBER (ADMN)

Dated: this the 4th day of August, 1998

Dictated to steno in the Open Court


DR

DSN

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Copy to:

1. The Director General, Telecommunications,
Govt. of India, New Delhi.
2. The Chief General Manager, Telecommunications,
A.P.Circle, Hyderabad.
3. The Director of Finance and Accounts,
O/O Chief General Manager, Telecommunications,
A.P.Circle, Hyderabad.
4. The Senior Superintendent (Tele-Traffic), Kurnool Division,
Dept. of Telecommunications, Kurnool.
5. One copy to Mr.V.Venkateswara Rao, Advocate, CAT, Hyderabad.
6. One copy to Mr.V.Shimanna, Addl.CGSC, CAT, Hyderabad.
7. One copy to D.R(A), CA, Hyderabad.
8. One duplicate copy.
9. one copy to HBSJP, M(J)CAT, Hyd.

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17/8/98 (9)

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 4/8/98

ORDER/JUDGMENT

M.A/R.A/C.P.NO.

in

C.A.NO. 5/98

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
दस्तावेज / DESPATCH

10 AUG 1998

हैदराबाद बेंच
HYDERABAD BENCH