

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 411/97

Date of Order : 17.9.98

BETWEEN :

M.J. Patnaik

.. Applicant.

AND

1. The Secretary, Department of Telecom (representing Union of India) Sanchar Bhavan, 20, Ashoka Road, New Delhi.
2. The Chief General Manager, Telecom, A.P. Circle, Hyderabad.
3. The General Manager, Telecom District, Visakhapatnam.

.. Respondents.

Counsel for the Applicant.

.. Mr. N.R. Srinivasan

Counsel for the Respondents

.. Mr. V. Vinod Kumar

CORAM :

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

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

O R D E R

X As per Hon'ble Shri R. Rangarajan, Member (Admn.) X

Mr. N.R. Srinivasan, learned counsel for the applicant and Mr. V. Vinod Kumar, learned standing counsel for the respondents.

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2. This OA is filed for the following reliefs :-

(1) To declare that the provision in Col.12 of the Schedule to the Recruitment Rules of Sr.TOAs, 1996 (Annexure A-9) providing for transfer to officials in OTBP/BCR scales to the restructured post of Sr.Telecom Operating Assistant Gr.I carrying a scale of Rs.1320-2040 is arbitrary and unconstitutional and therefore illegal and consequently to direct the respondents not to appoint officials in OTBP/BCR scales to the restructured cadre of Sr.TOA, Gr.I on transfer.

(2) Consequently to declare that the reversion of the applicants herein from their officiating posts of Sr.TOA.Gr.I to their basic cadre i.e., Telecom Operating Assistant, Gr.I is not warranted in the circumstances of the case and that in any case the circumstances of the case and that in any case the retrospective reversion made order Annexure A-12 dt. 13.11.96 of the third respondent is arbitrary and illegal being violative of the principle of equal pay of equal work and therefore not valid.

3. When the OA was taken up for hearing the learned counsel for the applicant himself produced a copy of the DOT, New Delhi letter No.15-6-96-TE.II dated 23.12.97 and submitted that the prayer has already been complied with ^{by} the department themselves. Hence the OA has become infructuous. He submits that the orders ^{for} of the consequential benefits had also been issued but he is yet to receive the same.


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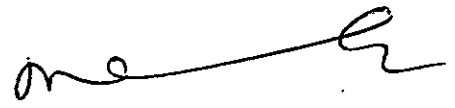
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4. In view of the above submission of the learned counsel for the applicant, the OA has been disposed of as infructuous. No costs.

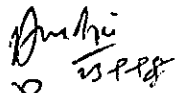

(B. S. JAI PARAMESHWAR)
Member (Judl.)


(R. RANGARAJAN)
Member (Admn.)

17.9.98

Dated : 17th September, 1998

(Dictated in Open Court)


DR 17.9.98

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Copy to:

1. The Secretary, Dept. of Telecom, Sanchar Bhavan, 20, Ashoka Road, New Delhi.
2. The Chief General Manager, Telecom, A.P.Circle, Hyderabad.
3. The General Manager, Telecom District, Visakhapatnam.
4. One copy to Mr.N.R.Srinivasan, Advocate, CAT, Hyderabad.
5. One copy to Mr.V.Vinod Kumar, Addl.CGSC, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

22/10/98

(2)

II COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 17/9/98

ORDER/JUDGMENT

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

in

G.A.NO. 411/98

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

