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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH:

AT HYDERABAD

O.A.No.456 OF 1997.

DATE OF ORDER:29-9-1998.

Between:

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|---------------------------|----------------------------|
| 1. M.V.Sesha Sai. | 29.B.K.Annapurna. |
| 2. K.V.Srinivas. | 30.G.Nageswari. |
| 3. P.Sarojini. | 31.D.Rajaratnam. |
| 4. Ch.Savithri. | 32.V.Lakshmi Prasanna. |
| 5. S.Rama Kumar. | 33.P.Srivalli. |
| 6. Y.Madhusudhan Rao. | 34.G.Rajeshwar. |
| 7. M.Venkateswarlu. | 35.K.Padma Sree. |
| 8. Ch.Siva Satyanarayana. | 36.V.Thandava Krishna. |
| 9. K.Ramesh Goud. | 37.G.Radhakrishna Reddy. |
| 10. M.Rajani Kumari. | 38.P.V.Indira Ramana. |
| 11. D.Manjula. | 39.Y.V.Ramakrishna Murthy. |
| 12. B.Nageswara Rao. | 40.V.Chandra Sekhara Azad. |
| 13. C.V.Ratnam. | 41.V.Krishna Rao. |
| 14. C.V.Balaram. | 42.G.Surya Kumari. |
| 15. B.Siva Kumari. | 43.SK.Kareemulla. |
| 16. D.Sarada Devi. | 44.A.R.Mohana Rao. |
| 17. T.Venkateswarlu. | 45.Ch.Radha Krishna. |
| 18. M.Prameela, | 46.V.Venkateswara Rao. |
| 19. P.Leela Jayasri. | 47.Ch.Krishna Mohan. |
| 20. M.Ramachandra Rao. | 48.S.Girija Kumari. |
| 21. P.Om Kumar. | |
| 22. K.Sobha. | |
| 23. R.Sadhana. | |
| 24. T.V.N.Pavan Kumar. | |
| 25. J.Suresh Babu. | |
| 26. Ch.Usha Sree. | |
| 27.Y.Mallikarjuna Rao. | |
| 28. K.Narayana Rao. | |

.....Applicants

a n d

1. The Union of India, rep., by its Secretary, Telecommunications, Sanchar Bhavan, Ashoka Road, New Delhi.
2. The Chairman, Telecom Commission, Sanchar Bhavan, Ashok Road, New Delhi-1.
3. The Chief General Manager, Telecom Circle, Sanghar Bhavan, Andhra Pradesh, Hyderabad.

.....Respondents

COUNSEL FOR THE APPLICANTS :: Mr.M.Keshava Rao

COUNSEL FOR THE RESPONDENTS :: Mr.N.R.Devaraj

CORAM:

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

A N D

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

: O R D E R :

ORAL ORDER (AS PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

None for the Applicant and Mr.N.R.Devaraj for the Respondents.

2. There are 48 applicants in this OA. They are Telecom Technical Assistants under the respondent Organisation. They submit that they are Diploma Holders in Engineering and ^{are} presently working as Telecom Technical Assistants in the pay scale of Rs.1320-2040/-. They request for revision of their pay to Rs.1400-2300/- with effect from 1-1-1986.

3. This OA is filed for awarding the scale of pay Rs.1400-2300/- to the cadre of Technicians with effect from 1-1-1986 i.e., from the date of implementation of 4th Pay Commission to the applicants on par with the other Engineering Diploma Holders on the basis that the scale of pay Rs.1320-2040/- to the cadre of Telecom Technical Assistants from the date of conversion to the post of Telecom Technical Assistants as being arbitrary, illegal and for consequential reliefs on that basis.

4. A reply has been filed in this OA. It is stated in Para.4 that the DOT had submitted to the Vth Pay Commission for revision of pay scale for Technicians, but the Vth Pay Commission, which is the highest body

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for revision of pay scales of Central Government Employees had not accepted the proposal of the DOT in terms of the recommendation in Para.62.36, Part-IV, Volume.II and they ^{Commission} ~~have~~ recommended as follows:-

"Technicians in the entry pay scale of Rs.975-1660 are recruited with a minimum qualification of diploma in mechanical or telecommunication engineering, whereas similar persons in the Door Darshan, Railways etc., are placed in the scale of Rs.1400-2300. THE ADMINISTRATIVE DEPARTMENT HAVE ALSO CITED THIS AS AN ANOMOLY AND FAVOURED ITS REMOVAL. In the scheme of restructuring, Telecom Technical Assistants are a "walk-in" post for Technicians with the same qualifications and their upgradation has been proposed in the chapter relating to restructuring of Telecom Services. Because restructuring has been made attractive enough for a switch over TECHNICIANS MAY BE GIVEN ONLY REPLACEMENT SCALES RECOMMENDED ELSEWHERE in this report. In view of the existance of the provision for a competitive examination for Technicians along with others, for the level of JTOs, WE DO NOT RECOMMEND INTRODUCTION OF AN EXCLUSIVE DIRECT LINE OF PROMOTION BETWEEN THE TWO."

5. In a similar DA i.e., DA.No.779 of 1996, decided on 26-8-1998, this Bench observed as follows:-

"The 5th Pay Commission is an expert body. When that expert body itself came to the conclusion that they are not entitled for higher scale of pay it will be incongruent on the part of the Tribunal to over-rule the decision of the 5th Pay Commission on the basis of the materials available in this DA. Hence, it is for the applicants if they are so advised request the department

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to refer their cases to Anomalies Committee for reconsideration in regard to their upgradation of scales of pay. Hence, we do not pass any order in that connection and liberty is given to the applicants to do so if they are so advised."

6. That observations will hold good equally in this case also.

7. With the above observation, the OA is disposed of.
No costs.


(B.S. JAI PARAMESHWAR)

29.9.98 MEMBER (JUDL)


(R. RANGARAJAN)

MEMBER (ADMN)


D.R. Suresh

Dated: this the 29th day of September, 1998

Dictated to steno in the Open Court

DSN

OA.456/97

Copy to:-

1. The Secretary, Telecommunications, Sanchar Bhavan, Ashoka Road, New Delhi.
2. The Chairman, Telecom Commission, Sanchar Bhavan, Ashok Road, New Delhi.
3. The Chief General Manager, Telecom Circle, Sanchar Bhavan, Andhra Pradesh, Hyderabad.
4. One copy to Mr. M.Keshava Rao, Advocate, CAT., Hyd.
5. One copy to Mr. N.R.Devaraj, Sr.CGSC., CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

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II COURT

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COMPOSED 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 S.S. JAI PARAMESHWAR:
M(B)

DATED: 29/9/98

ORDER/JUDGMENT

M.A./S.A/C.P.NO.

in
G.A.NO. 456/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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केन्द्रीय प्रशासनिक अपील
Central Administrative Tribunal
प्रेषण / DESPATCH
- 9 OCT 1998
HYDERABAD BENCH