

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 775/97.

Dt. of Decision : 25-06-97.

1. K.Nageswar Rao
2. V.Satyanarayana
3. K.Sivaiah
4. W.Nagarajuna
5. S.Sudhakar

.. Applicants.

Vs

1. The Telecom District Engineer,
Adilabad.
2. The Chief General Manager,
Telecommunication, A.P.Circle,
Doorsanchar Bhavan, Hyderabad.
3. The Chairman, Telecom Commission,
New Delhi.

.. Respondents.

Counsel for the applicant : Mr.K.Venkateswara Rao

Counsel for the respondents : Mr.V.Bhimanna, Addl.CGSC.

CORAM:-

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

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

*Jai
P.*

..2



ORDER

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

Heard Mr.K.Venkateswara Rao, learned counsel for the applicants and Mr.V.Bhimanna, learned counsel for the respondents.

2. There are 5 applicants in this OA. They were selected and recruited prior to 1-1-86 as Technicians and the training period was also over prior to 1-1-86. This OA is filed to treat the training period as service for the purpose of notional increment and to extend the monetary benefits from 1-10-90. The applicants in this OA rely on the judgement of this Tribunal in OA.156/92 decided on 26-3-93 wherein the similar prayer was conceded. However, the learned counsel for the respondents brought to our notice that in a similar OA viz., OA.No.1397/94 wherein similar relief was asked for and granted by this Tribunal.

3. However the Hon'ble Supreme Court in Civil Appeal No. 4879/97 by its order 28-2-97 has stayed the operation of the order. Hence the learned counsel for the respondents submits that the relief as prayed for in this OA cannot be granted.

4. When the Apex Court has stayed the relief as prayed for in this OA in a similar case it will not be in order to grant the relief unless the SLP is disposed of. Even if similar prayer was granted by this Tribunal in some other cases that cannot be quoted as a precedent to get the relief in this OA. Hence, it is not possible to grant the relief in this OA straight away in view of the direction in OA.156/92.

5. The learned counsel for the applicants submitted that they will give an undertaking to return the monetary benefits obtained by them if the SLP is allowed. But we do not feel such a direction can be given. Hence this contention is rejected. However we feel that the OA may be disposed of at the admission stage itself as below:-

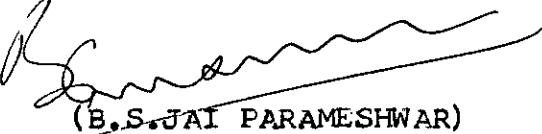
If the SLP No.4879/97 in OA.No.1397/94 on the file of

Jy

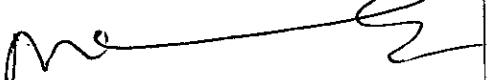
..3

this Bench is allowed then this OA stands dismissed. If the above referred SLP is dismissed then the applicants will get the same relief as was granted to the applicants in OA.156/92 decided on 26-3-93. If any other modified order is given by the Apex Court in the above referred SLP that ~~will~~ modified order will be applicable in the case of the applicants in this OA also.

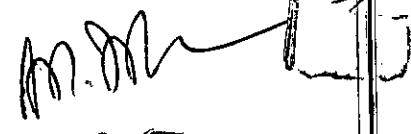
5. With the above direction the OA is disposed of at the admission stage itself. No costs.


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

25/6/97


(R. RANGARAJAN)
MEMBER(ADMN.)

spr


D.R.(J)

Dated : The 25th June 1997.
(Dictated in the Open Court)

725

Copy to:

1. The Telecom District Engineer, Adilabad.
2. The Chief General Manager, Telecommunications, A.P.Circle, Ooorsanchar Bhavan, Hyderabad.
3. The Chairman, Telecom Commission, New Delhi.
4. One copy to Mr.K.Venkateswara Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr.V.Bhimanna, Addl.CGSC, CAT, Hyderabad.
6. One copy to Mr.D.R(A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

~~6~~
6
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

DATED: 25/6/97

ORDER/JUDGEMENT

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

in

C.A.NO. 775/97

~~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

II Court.

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
प्रेषण/DESPATCH

21 JUL 1997

हैदराबाद आयोगी
HYDERABAD BENCH