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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.782/97:

Dt. of Decision : 10-09-97.

1. S.V.R.S.Sarma
2. G.S.Sastry
3. P.Ramanarayana Chetty
4. S.B.G.V.Prasadarao
5. N.Nagaiah

.. Applicants.

Vs

1. The Chairman,
Telecom Commission,
Min.of Communications,
Dept. of Telecommunications,
Sanchar Bhavan,
New Delh-110 001.
2. The Director General,
Telecommunications,
Dept. of Telecommunications,
New Delhi-110 001.
3. The Chief General Manager,
Telecommunications, A.P.
Hyderabad.

.. Respondents.

Counsel for othe applicants : Mr.P.Harinatha Gupta

Counsel for the respondents : Mr.V.Rajeswara Rao, Addl.CGSC.

CORAM:-

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

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

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ORDER

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

Heard Mr.P.Harinatha Gupta, learned counsel for the applicants and Mr.V.Rajeswara Rao, learned counsel for the respondents.

2. There are 5 applicants in this OA. They are presently working as officiating DEs under R-3. They filed OA.1224/94 praying for a direction that they are entitled for refixation of seniority and notional promotion with retrospective effect and also for refixation of pay of the applicants on par with that of Shri Pradhan Biswanath w.e.f., the respective dates of promotion of the applicants as Assistant Engineers with arrears of pay and other allowances and other benefits in terms of the judgement of the Supreme Court reported in 1994 SCC (L&S) 964 (The Telecommunication Engineering Service Association (India) and Another Vs. UOI & Others). That OA was disposed of with the following direction:-

"If any Junior Engineer who was promoted as Asst. Engineer earlier to the dates of promotion of the applicants as Asst. Engineer, and if that Junior Engineer passed the qualifying examination later to the dates on which these applicants passed the qualifying examination, then these applicants have to be given notional promotion from the date on which such junior Engineer was promoted as Asst. Engineer and the pay of the applicants in the post of Asst. Engineer has to be fixed on the respective date of notional promotion.

The monetary benefit on that basis has to be given from the respective dates on which these applicants attained the promotional post of Asst. Engineers."

It is stated that the applicants filed Contempt Petition bearing No.113/96 in MA.313/96 in OA.1224/94 when the respondents have not implemented the judgement in the above referred OA. That CP was disposed of on 27-12-96. In that CP the Tribunal directed the respondents to pass the following order:-

- 1) The respondents are directed to serve order of notional promotion on each applicant within a period of two weeks.

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2) Respondents are also directed to furnish details of the calculations of arrears and the period for which these are paid to the respective applicants, within a period of 15 days.

With the above direction the CP was closed. It is now stated by the applicants that they were given notional promotion on par with their juniors and they were also paid the arrears. But the applicants complain~~y~~ that their seniority on the basis of the notional promotion given was not issued yet. Hence they filed representation dated 14-03-97 (Page-10 to the OA) which was forwarded to R-3 vide letter No.FM-100/GOS/SP/76 dated 14-3-97 (Annexure-I). The representations of applicant No.3 and 5 were enclosed at page-10 and 13 to the OA. In the above representations the applicants requested for fixation of seniority on the basis of the notinal promotion as AE. Since that seniority is not fixed they are promoted only on a provisional basis but not on regular basis as DE on par with the AEs promoted in the year 1977. It is stated that the representations are still to be disposed of. It is also stated that the other applicants viz., applicant No.1, 2 and 4 have also submitted similar representations addressed to R-3. Those representations are also pending still. The present OA is filed apprehending that the juniors to the applicants will be promoted as regular DEs and the applicants will not be promoted as regular DE on the basis of their seniority fixed in accordance with the judgement in OA.1224/94 and CP.No.113/96 in OA.1224/94.

3. The prayer in this OA is for a direction to the respondents to prepare the revised seniority list of A.Es. duly taking into account the dates of notional promotion accorded to the applicants and to effect further promotions to the post of DEs strictly on the basis of such revised seniority list.

4. A refixation of seniority has been shown in page-5 of the reply. But the applicants submit that this refixation has

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been done earlier to the pronouncement of the judgement in OA.No.1224/94. Hence they submit that the refixation of seniority as given in page-5 of the reply is not correct and requires revision.

5. In any case applicants have filed representations for revision of seniority. It is stated that those representations are still pending. Hence it will be sufficient if a direction is given to R-1 and R-3 to dispose of the representations referred to above expeditiously. Till such time those representations are disposed off, the regular promotions to the post of Divisional Engineer should not be issued.

6. In the result, the following direction is given:-

R-1 and R-3 are directed to dispose of the representations in regard to the fixation of seniority on the basis of the judgement in OA.1224/94 in accordance with law and replied their representations expeditiously. Till such time those representations are disposed off no further regular promotion to the post of Divisional Engineer should be ordered.

7. With the above direction the OA is disposed of. No costs.

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

(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 10th Sept. 1997.
(Dictated in the Open Court)

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Copy, to:

1. The Chairman, Telecom Commission, Min. of Communications, Department of Telecommunications, Sanchar Bhavan, New Delhi -110 001.
2. The Director General, Telecommunications, Dept. of Telecommunications, New Delhi- 110 001.
3. The Chief General Manager, Telecommunications, A.P. Hyderabad.
4. One copy to Mr. P. Harinatha Gupta, Advocate CAT, Hyderabad.
5. One copy to Mr. V. Rajeswara Rao, Addl. CGSC, CAT, Hyderabad.
6. One copy to Deputy Registrar Admn. CAT Hyderabad.
7. One Duplicant copy.

c.e today
10/9/97

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 10/9/97

~~ORDER/JUDGMENT~~

M.A./R.A./Z.A.NO.

in

O.A.NO. 782/97

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

