

48

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :HYDERABAD BENCH

AT HYDERABAD

O.A. 206/97.

Dt. of Decision : 23-02-99.

1. P. Madhukar
2. J. Viswarupam
3. Syed Khaleelur Rahman
4. D. Rama Swamy
5. T.V. Ramakrishna Rao
6. Y. Ambraiah
7. T. Nagasena
8. T. Rao Gopal
9. R. Bhagya Laxmi
10. B. Linga Murthy
11. P. Ram Reddy

.. Applicants.

Vs

1. The Union of India rep. by
the Secretary to the Min. of
Communications, Sanchar Bhavan,
New Delhi-1.
2. The Chairman,
Telecom Commission,
Sanchar Bhavan,
New Delhi-1.
3. The Chief General Manager
Telecom, A.F. Circle,
Hyderabad-1.

.. Respondents.

Counsel for the applicants

: Mr.V.Venkateswara Rao

Counsel for the respondents

: Mr.B.N.Sharma, Sr.CGSC.

CORAM:-

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

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



..2/-



ORDER

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

Heard Mr.V.Venkateswara Rao, learned counsel for the applicants and Mr.B.N.Sharma, learned counsel for the respondents.

2. There are 11 applicants in this OA. They were initially appointed as LDC/Telecom Office Assistants in the department as per Annexure-1 to the OA. They were subsequently promoted as UDC (UDCs for brevity) in the scale of pay of Rs.1200-2400/- on the basis of 1/3rd quota for competitive examinations excepting applicant No.6. Their grievance is that they were seniors to some of the employees who are promoted under OTBP and BCR scheme on the basis of completing the required number of years of service. As the applicants though juniors in the initial cadre of LDC they were promoted to the higher grade earlier to those who were promoted under OTBP and BCR scheme. Even if the applicants had not completed the required number of service for promotion under OTBP/BCR scheme they are entitled for promotion on par with their juniors who are promoted due to the completion of the required number of years of service in the grade of UDC.

3. This OA is filed praying for a direction to the respondents herein to grant the OTBP/BCR scales of pay (Rs.1400/- 2300 / Rs.1600-2600/-) to the applicants herein w.e.f., the dates on which their respective juniors in the cadre of UDCs were granted the said scales of pay with all consequential benefits such as arrears of pay and allowances, seniority etc.

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-3-

4. The applicants submit that the OA is covered by the judgement of the Bangalore Bench of this Tribunal in OA.No.403/92 disposed of on 2-9-93 and the judgement of this Tribunal in OA.28/94 disposed of on 25-3-94 which is enclosed at page-22 to the OA. The learned counsel for the respondents submits that the decision of the Bangalore Bench of this Tribunal has already been challenged in the Supreme Court by filing SLP (C) No.CC704/95. That judgement has been stayed by the order dated 24-02-95. Similarly the order of this Tribunal in OA.28/94 has been dismissed when challenged in the Apex Court on the ground of delay. As the decision of the Bangalore Bench of this Tribunal in OA.403/92 in the file of that Bench is stayed this OA has to wait for the decision of the Supreme Court.

5. Under the above circumstances the following direction is given:-

The applicants are entitled to the same relief as was granted to the applicants in OA.403/92 if the applicants in both the OAs are similarly placed subject to the outcome of the decision of the Supreme Court in SLP (C) No.CC 704/95.

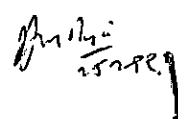
6. The OA is disposed of. No costs.


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

23/2/95


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 23rd February, 1995.
(Dictated in the Open Court)


23/2/95

spf

3/3/99

1st and 2nd Court.

Copy to:

1. HDHND
2. HHRD M(A)
3. HSSDP M(J)
4. D.R.(A)
5. SPARE

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

THE HON'BLE MR. JUSTICE D. V. NABIR:
VICE - CHAIRMAN

THE HON'BLE H. RAJENDRA PRASAD :
MEMBER (A)

THE HON'BLE R. RANGARAJAN :
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESHWAR :
MEMBER (J)

DATED: 23/2/99

ORDER/JUDGMENT

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

IN

C.A.NO. : 906/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

7 copies

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal वैषम्य / DESPATCH 22 MAR 1999 हैदराबाद न्यायपीठ HYDERABAD BENCH
