

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

D.A.No.1053 OF 1997.

DATE OF ORDER:21-1-1999.

BETWEEN:

1. P.Parvatheesam.
2. T.Kishore Kumar.
3. T.K.C.Sarma.
4. Ch.Usharani.
5. TVBS.Ramjee.
6. I.Annapurna.
7. J.Venkateswara Rao.
8. P.Kameswari.
9. D.Varalakshmi Kumari.
10. G.Eswararao.
11. Smt.V.V.Ramana.
12. M.V.Ramanarao.
13. G.Visweswara Rao.
14. GVS.Ramakrishnarao.
15. G.Sivaramaiah.
16. Smt.S.Hazarabibi. ... Applicants

(Applicants 4 and 14 are deleted as per Order dated:8-7-1997 in MA.No.519/1997)

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1. The Union of India, rep., by the Secretary, Department of Telecom, Sanchar Bhavan, New Delhi-1.
2. The Chief General Manager, Telecom, A.P.Circle, Hyderabad-1.
3. The General Manager, Telecom District, Daba Gardens, Visakhapatnam-20.
4. The Superintendent-in-charge, Central Telegraph Office, Visakhapatnam.
5. The General Manager, Telecom Area, Asilametta, Visakhapatnam.
6. The Superintendent-in-charge, Central Telegraph Office, Srikakulam.

.....Respondents

COUNSEL FOR THE APPLICANTS :: Mr.T.V.V.S.Murthy.

COUNSEL FOR THE RESPONDENTS :: Mr.B.Narasimha Sharma

CORAM:

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

A N D

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

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: O R D E R :

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

Heard Mr. TVVS. Murthy, learned Counsel for the Applicant and Mr. Jacob for Mr. B. Narasimha Sharma, learned Standing Counsel for the Respondents.

2. There are 14 applicants in this OA. The applicants 4 and 14 have been deleted out of 16 applicants, who ^{had} filed this application. They were initially engaged as Short-Duty Telegraphists and Telegraph Assistants in 1980 and 1981 from various dates as shown in Annexure.A1 of the OA. Of the dates mentioned in the Column.7 of Annexure.A-1, they were regularised in the posts of Telegraph Assistant.

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

- i) to regularise their services from the dates of their initial appointment as SDTLS/SDTAS;
- ii) or atleast to confer temporary status on them on completion of One year service as SDTLs/SDTAs from the dates of their continuous service with all consequential benefits;
- iii) to pay them arrears of pay and allowances on par with regular TLS/TAS for the period they worked as RTP/SDTLS/SDTAS with all consequential benefits legally due to them, such as productivity linked bonus on par with regular staff;

- iv) to count the service rendered by them as SDTLs/SDTAs for the purpose of increments, pension etc;
- v) to pay them pay and allowances for Sundays/ Weekly offs and Holidays as admissible to regular staff during the period they worked as SDTLs/SDTAs;
- vi) to pay them the arrears due to them in this regard, as stated above; and
- vii) to pass such other order or orders as deemed fit and proper in the circumstances of the case by extending the benefits, of Judgment in OA.No.1784 of 1992 of the Hon'ble CAT, Ernakulam Bench(Annexure.A2 at page.no.16 & 17 to the OA) to them, as they are similarly situated as the applicants in the said OA.

4. When the OA was taken up for hearing, the learned Counsel for the Applicant submitted that, in view of the recent decision of the Supreme Court reported in 1997(7) Supreme 65 in UNION OF INDIA & ANOTHER Vs. K.N.SIVADAS & OTHERS, ^{restricting} ~~he is resisting~~ his payer only to "pay the applicants/arrears of pay and allowances on par with regular TLS/TAS for the period they worked as RTP/SDTLs/SDTAS, with all consequential benefits legally due to them." He has also delinked his case for grant of productivity linked bonus on par with regular staff.

5. In this connection, the applicant produced the Judgment of the Supreme Court in Writ Petition No.1119 of 1986 etc., etc.(in JAGRIT MAZDOOR UNION (REGD) & OTHERS ETC. ETC. Vs. MAHANAGAR TELEPHONE NIGAM LT. & ANR. ETC. ETC.) to grant them the pay

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and allowances on par with regular Telegraphists/ Telegraph Assistants. He also submits that similar direction has been given in OA.No.41 of 1994 on the file of this Tribunal, disposed of on 29-4-1997.

6. It was observed by the Apex Court on 1-5-1986, as seen from the above mentioned Judgment, ^{that} "Meanwhile, the respondent will pay to the operators drawn from the Reserve Trained Pool of the Telephone Operators from Bombay and Delhi Telephones @ Rs.4.90 per hour provided that the total salary of the Telephone Operators from the Reserve Trained Pool shall not exceed the salary of regularly appointed Telephone Operators."

7. That observation was confirmed by the Apex Court and held as follows:-

"The order passed by the Court on 1-5-1986 shall be final. The wages shall be paid in accordance with the terms, contained in that order. We, however, make it clear that if the Dearness Allowance and other allowances are varied hereafter the workers concerned shall get D.A. and other allowances accordingly subject to the limit that the total emoluments would not exceed the salary of regularly appointed Telephone Operators.
.....
.....This order will apply to All RTPA employees who are similarly situated."

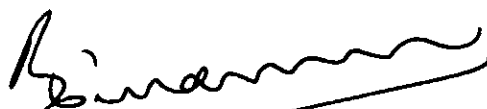
8. In view of the above direction of the ^{Hon'ble} Supreme Court, the applicants herein, who had worked as RTP Telegraphists/Telegraph Assistants are entitled for the

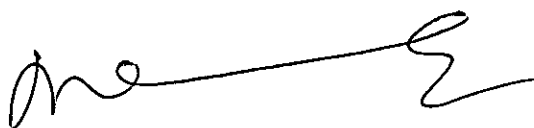
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scale of pay at the rate of 1/30th of the regular scales of pay of regular employee of that category for the days they worked as RTP Telegraphists/Telegraph Assistants. If they are not considered accordingly as above already, they should be paid accordingly the arrears arising out of the above direction within a period of three months from the date of receipt of a copy of this Judgment. ~~This~~ the above is also in accordance with the Judgment of this Tribunal in OA. No.41 of 1994 referred to above.

9. The OA is ordered accordingly. No costs.

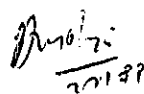

(B.S. JAI PARAMESHWAR)
MEMBER (JUDL)
21.1.99


(R.RANGARAJAN)
MEMBER (ADMN)

DATED: this the 21st day of January, 1999

Dictated to steno in the Open Court

DSN


20/1/99

COPY TO:-

1. ~~HDHND~~
2. ~~HHRP M(A)~~
3. ~~HBSJP M(J)~~
4. D.R. (A) ✓
5. SPARE ✓

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2/2/99

1ST AND 11ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

~~THE HON'BLE MR. JUSTICE D.H. NASIR :~~
~~VICE CHAIRMAN~~

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

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

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

DATED: 21-1-99

ORDER/ JUDGMENT

M.A./R.A./C.P.NB.

In

O.A. NO. 1053/97

~~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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(10 copies)

