

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1498/97

Date of Order : 10.11.97

BETWEEN :

K.Kondala Rao

.. Applicant.

AND

1. The Chairman, Telecom Commission,
Telecommunication, New Delhi.

2. The Chief General Manager,
Telecommunications,
Gujarat Circle,
Ahmedabad.

3. The Telecom Dist. Manager,
Bhuj, Kutch, Gujarat,
Telecommunications.

4. The General Manager,
Telecommunications,
Bhuj, Kutch, Gujarat.

5. The Chief General Manager,
Telecommunications,
A.P.Circle, Hyderabad.

.. Respondents.

Counsel for the Applicant

.. Mr. Lakshmi Narasimha

Counsel for the Respondents

.. Mr. K.Bhaskara Rao

CORAM:

HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUD L.)

ORDER

X As per Hon'ble Shri H.Rajendra Prasad, Member (Admn.) X

Mr. Lakshmi Narasimha, learned counsel for the
applicant and Mr. K.Bhaskara Rao, learned counsel for the
respondents.

St/H *by*

(40)

.. 2 ..

2. This O.A. suffers from the handicap of multiple reliefs. 12 separate reliefs have been asked for and not all of them are consequential to one another. The same 12 reliefs are repeated under the heading 'interim relief.' This cannot be accepted. The O.A. ^{be} cannot be admitted on account of the above defects.

3. The O.A. is disposed of. No costs.

R.S.
R.S. JAI PARAMESHWAR
Member (Judl.)
10.11.97

H.R.P.
(H. RAJENDRA PRASAD)
Member (Admn.)

Dated : 10th November, 1997

(Dictated in Open Court)

Amrit
Deputy Registrar
10.11.97

sd

O.A. 1498/97.

To

1. The Chairman, Telecom Commission, Telecommunication, New Delhi.
2. The Chief General Manager, Telecommunications, Gujarat Circle, Ahmedabad.
3. The Telecom Dist. Manager, Bhuj, Kutch, Gujarat, Telecommunications.
4. The General Manager, Telecommunications, Bhuj, Kutch, Gujarat.
5. The Chief General Manager, Telecommunications, A.P. Circle, Hyderabad.
6. One copy to Mr. K. Lakshminarasimha, Advocate, CAT. Hyd.
7. One copy to Mr. K. Bhaskar Rao, Addl. CGSC. CAT. Hyd.
8. One spare copy.
9. One copy to ~~HSCB~~ M(A) CAT. Hyd.
10. One copy to D.R. (A) CAT. Hyd.
11. One spare copy.

pvm

18/11/97
I Court,

TYPED BY:

CHECKED BY:

COMPARED BY:

APPROVED BY:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE.
VICE-CHAIRMAN

And

THE HON'BLE MR. H. RAJENDRA PRASAD :M(A)
The Hon'ble Mr. B. S. Tejaramswar (M.G.)

DATED:- 10/11/97

ORDER/JUDGMENT.

M.A./RA./C.A. No. .

in

O.A. No. 1498/97

T.A. No.

(W.P.)

Admitted and Interim directions issued.

Allowed

Disposed of with Directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No order as to costs.

केन्द्रीय प्रशासनिक विधिकरण
Central Administrative Tribunal
Despatch/DESPATCH

17 NOV 1997

हैदराबाद न्यायपीठ
HYDERABAD BENCH

.. 2 ..

2. This O.A. suffers from the handicap of multiple reliefs. 12 separate reliefs have been asked for and not all of them are consequential to one another. The same 12 reliefs are repeated under the heading 'interim relief.' This cannot be accepted. The O.A. ^{be} cannot be admitted on account of the above defects.

3. The O.A. is disposed of. No costs.

प्रमाणित अस्ति
CERTIFIED TO BE TRUE COPY

कानूनी अधिकारी उप रजिस्ट्रार (न्यायिक)
Court Officer/Dy. Registrar
केंद्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपाठी
HYDERABAD BENCH

10.11.1992

| | |
|---|-----------|
| केस संख्या | 1498/1992 |
| CASE NUMBER | 1498/1992 |
| जज्यव का तारीख | 10-11-92 |
| Date of Judgement | 10-11-92 |
| कॉपी तयार किया गया दिन | 10-11-92 |
| Copy Made Ready on | 10-11-92 |
| | |
| अनुभाग अधिकारी (न्यायिक) उप रजिस्ट्रार (न्यायिक) Section Officer (J)/Dy. Registrar (J) | |

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1498/97

Date of Order : 10.11.97

BETWEEN :

K.Kondala Rao

... Applicant.

AND

1. The Chairman, Telecom Commission,
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Telecommunications.

4. The General Manager,
Telecommunications,
Bhuj, Kutch, Gujarat.

5. The Chief General Manager,
Telecommunications,
A.P.Circle, Hyderabad.



... Respondents.

Counsel for the Applicant

... Mr. K.Lakshmi Narasimha

Counsel for the Respondents

... Mr. K.Bhaskara Rao

COURT:

HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUD L.)

O R D E R

X As per Hon'ble Shri H.Rajendra Prasad, Member (Admn.) X

Mr. K.Lakshmi Narasimha, learned counsel for the
applicant and Mr. K.Bhaskara Rao, learned counsel for the
respondents.

[Handwritten signatures]

Order of the Tribunal

DATE:

Note of the Registry

25/10/05

On request of the ld. Counsel for the respondent 2 weeks time is granted. Since the Hon'ble High Court had already granted 4 weeks time to pass fresh orders in the matter, post for orders before Single Member Bench after 2 weeks.

✓
H.R.B.
H.C.

Pravin
HSN
VC(A)

10.11.05

Counsel on both sides present. Learned Standing counsel for the Respondents states that the respondent be given time to file reply and seeks time till 16.11.05. S.O. to 16.11.05. R.

H.R.B. J
VC

28/11/05

*Maru Reps. Statement filed by
V. Rajeswars Rao SC to Rly
on 18/11/05*

Heard arguments of ld. counsel for the applicant Dr. K. Lakshmi Narasimha and ld. counsel for the respondents Mr. V. Rajeswars Rao. Orders on 30/11/05.

*H.R.B. J
12*

OA. 1498/97

30/11/05

OA is allowed with no
order as to cost rule

order on separate sheet

R ~

HRKBJ

V2

24/03/06

On request made on behalf
of counsel for the respondents,
so to 1 week i.e. 31/03/06
for reporting compliance.

R ~

HRKBJ

V2

enc

HA. 335 x 336/06 in OA 1498/97

24/08/06

HA. 335/06 has been filed by the
official respondent in OA for extension of time
to implement the order of this Tribunal in OA 1498/97.
The order was passed on 30/11/05 and copy was
made ready on 13/12/05. 3 months time was granted
for implementing the order and this HA was filed on
01/05/06. Therefore, it appears that the HA was
filed after the expiry of the time granted by the
Tribunal. Therefore, HA 335/06 is dismissed.
Accordingly HA 336/06 become infructuous and
dismissed. No cost.

HGT
M(A)

ABR
M(P)

Sd/-

17

| DATE | Note of the Registry | Order of the Tribunal |
|----------|----------------------|--|
| 28/10/05 | | <p>On request of the ld. Leave for the respondent a week's time is granted. In the meanwhile High Court has already granted 4 weeks time to pass fresh orders. In the matter, post for orders before single Member Bench after 2 weeks.</p> |
| 10.11.05 | | <p>HBR # O)</p> <p>HSN VC(A)</p> <p>Conceded on both theas present. Learned Hearing desired for the Respondents Shd be given time to file reply and before same fell 16.11.05. So to 16.11.05.</p> <p>HRKB. S VC</p> <p>Memo & reply statement filed by M. V. Rayasamudras Secretary on 18/11/05</p> <p>29/11/05</p> |

THE HON'BLE MRS JUSTICE T.MEENA KUMARI
and
THE HON'BLE MR JUSTICE P. LAKSHMANA REDDY

WRIT PETITION NO : 3750 of 1998

JUDGMENT: (Per the Honourable Smt. Justice T.Meenakumari)

Heard both the counsel appearing on behalf of the parties.

This Writ Petition is filed questioning the order, dated 10.11.1997 in O.A.No.1498 of 1997 on the file of the Central Administrative Tribunal, Hyderabad dismissing the O.A. at the admission stage, as illegal and arbitrary.

The learned counsel for the petitioner contended that as the petitioner was not granted 12 different reliefs as contemplated under the Rules, he was bound to file O.A. seeking relief and the same was rejected on untenable grounds.

The learned counsel appearing on behalf of the respondents while supporting the impugned order, sought for dismissal of the writ petition.

As seen from the record, the Tribunal without going into the merits of the case has chosen to dismiss the said O.A. on

Pl. put up on file
27/9/05
DR (J) 8/9/05
SO (P)

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT
THE HON'BLE MRS JUSTICE T.MEENA KUMARI
and
THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO : 3750 of 1998

Between:

K.Kondala Rao

.... **PETITIONER(S)**

AND

- 1.The Chairman, Telecom Commission, Telecommunication, New Delhi.
- 2.The Chief General Manager, Telecommunications, Gujarat Circle, Ahmadabad.
- 3.The Telecom District Manager, Bhuj, Kutch, Gujarat, Telecommunications.
- 4.The General Manager, Telecommunications, Bhuj, Kutch, Gujarat.
- 5.The Chief General Manager, Telecommunications, A.P.Circle, Hyderabad
- 6.The Registrar, Central Administrative Tribunal, Hyderabad, Hyderabad Bench.

.. **RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to ISSUE APPROPRIATE WRIT or order direction one in the nature of writ of certiorari call for the records pertaining to the O.A.No.1498/97 dated 10.11.97 by the Central Administrative Tribunal, Hyderabad, Hyderabad Bench and quash the same as illegal, arbitrary and unconstitutional and consequently allow the relief of the petitioner as claimed in the O.A.

Counsel for the Petitioner:DR.K.LAKSHMINARASIMHA

Counsel for the Respondents : MR.A.RAJASEKHARA REDDY(
ASSISTANT SOLICITOR GENERAL)

The Court made the following :

*List need check
before sir Ben M.
8/9
21/10*

| |
|---|
| केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal हैदराबाद न्यायालय, Hyderabad Bench |
| 309 |
| 27 SEP 2005 |
| प्राप्त/RECEIVED प्रेषण/DESPATCH डाक विभाग/POSTAL SECTION |

High Court

DATED: 06.09.2005

ORDER
W.P.No.3750 of 1998

**ALLOWING THE W.P.
WITHOUT COSTS**

OP

1498/97

1498/97
CAT

1498/97
CAT

1498/97
26/9/05

the ground that the applicant therein has claimed 12 separate reliefs which are not consequential to one another.

Under the above circumstances, we set aside the impugned order and remand the matter to the Tribunal to pass fresh orders on merits within four weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is allowed. No costs.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, The Acting Chief Justice on this Tuesday the Sixth day of September, Two Thousand and Five.

SD/-T.GURUNATH
ASSISTANT REGISTRAR
CJ
SECTION OFFICER

// TRUE COPY //

To

1. The Chairman, Telecom Commission, Telecommunication, New Delhi.
2. The Chief General Manager, Telecommunications, Gujarat Circle, Ahmadabad.
3. The Telecom District Manager, Bhuj, Kutch, Gujarat, Telecommunications.
4. The General Manager, Telecommunications, Bhuj, Kutch, Gujarat.
5. The Chief General Manager, Telecommunications, A.P. Circle, Hyderabad
6. The Registrar, Central Administrative Tribunal, Hyderabad, Hyderabad Bench.
7. 2 CD copies
8. ONE CC TO Dr.K.Laxmi Narasimha, Advocate (OPUC) BRD

✓

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD
AT HYDERABAD

OA No.1498 of 1997

Between:
K.Kondala Rao

.. Applicant

And

The Chairman, Telecom. Commission
Telecommunication, New Delhi and 4 others

.. Respondents

MATERIAL INDEX

| S.No. | Date | Description of document | Annexure | page |
|-------|----------|--|----------|---------|
| 01. | 14.11.05 | A copy of reply affidavit | | 01-04 |
| 02. | 20.07.94 | A copy of oral judgment passed in 767 of 91 & batch filed by HS.Vyas & others by CAT: Jabalpur Bench | R I | 05-09 |
| 03. | 15.03.96 | A copy of order passed in CCP No. 7/95 OA No. 767 of 91 & batch by CAT: Jabalpur Bench | R II | 10 & 11 |

Hyderabad
Dt. 18.11.05

Hyderabad
Counsel for the respondents

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD
AT HYDERABAD

O.A NO.1498 OF 1997

Between :

K. Kondala Rao

..... Applicant

And

The Chairman, Telecom Commission
Telecommunications, New Delhi and 4 others

..... Respondents

REPLY AFFIDAVIT FILED ON BEHALF OF RESPONDENT

1. C.Suryachandra Rao S/o Sri C.Kanakaraju, aged about 58 years, Asst General Manager, R/o Hyderabad do hereby solemnly affirm and state as under:
2. I submit that I am the respondents herein in the application. I have read the orginal application under reply and also the case record. Hence,I know the facts of case deposed hereunder. I am filing this reply affidavit on behalf of all Respondents as I have been authorized to do so.
3. At the outset, it is submitted that multiple relief's are not maintainable in one application. The applicant has to restrict one relief among the relief's sought in the application. The applicant is not clear as to what relief he really seeks in the present application. There is an ambiguity in the representations and pleadings also. As per the documents filed in support of the original application, the following are pleaded and three grounds raised there:
 - a) The memo dated 8.11.95 (Annexure I page 10 of OA) says that the pay of applicant was stepped up with that of one Sri. Shivashankar Pillai as per the judgment of Jabalpur provisionally subject to revision.
 - b) The representation dt 1.12.91 II, page 12 of OA) submitted by the applicant states that the arrears due to difference of pay were not fully paid as stated in the memo dated 6.11.95.

1st page corr.


ATTESTOR
Sub-Divisional Engineer (Legal)
मु. स. प्र. तुरंगार बाजार न. ले.
O/o. C G.M. Telecom B S N.L.
आ. प्र. हैदराबाद-500 001.
A. P. HYDERABAD-500 001.


DEPONENT
मु. स. प्र. तुरंगार बाजार न. ले.
Asst. General Manager (Legal)
मु. स. प्र. तुरंगार बाजार न. ले.
O/o. C G M. Telecom B S N.L.
आ. प्र. हैदराबाद-500 001.

2

c) The applicant submitted another representation dated 26th December, 95 reiterating that the judgment of Jabalpur was not fully implemented. He contends that his junior was K. Shivasankar Pillai and he should be paid on par with him.

d) The grounds raised say that the judgment of Jabalpur was not implemented on par with said Pillai and the recovery of overpayment was without assigning any reason whatsoever.

4. In the light of above submission, the following are submitted:

i) The applicant was Sub-Divisional Engineer (SDE for brevity) under Telecom District manager (TDM for brevity), Gujarat Circle and was one of the applicant in OA No.773 of 1991 before Jabalpur Bench of his Hon'ble Tribunal and the same was decided on 20.7.1994. The Bench held that the applicant therein were entitled to the benefits of judgment of Allahabad High Court dated 20.02.1985 in as much as they would be entitled to refixation of their pay which should not be less than the pay of those who were immediately below them and rejected the prayer with regard to the question of back wages except with effect from date they actually worked on the post of Assistant Engineer. In pursuance of the above direction, the CGM, Telecom, Madhya Pradesh circle, Bhopal has issued a common order vide No. LCO 3/1/243 dated 2.11.95 by directing the respective controlling authorities to step up the pay on par with immediate juniors. The TDM, Bhuj on receipt of instructions from the Office of CGM, Telecom, and Ahmedabad issued memo dated 8.11.95 by stepping up the pay of the applicant on par with Shivasankar Pillai provisionally and also paid arrears of Rs. 6,319/- as consequence of the same and also subject to revision after examination of his case with reference to his immediate junior.

2nd page corr.

Reddy
ATTESTOR
 उप अधिकारी इंजीनियर (लेगल)
 Sub-Divisional Engineer (Legal)
 मु. स. प्र. दुर्जनार च. न. उ. न. लि.
 O/o. C.G.M. Telecom B.S.N.L.
 आ. प्र. हैदराबाद-500 001.
 A.P. HYDERABAD-500 001.

Reddy
DEPONENT (दिविति)
 Asst. General Manager (Legal)
 मु. स. प्र. दुर्जनार च. न. उ. न. लि.
 O/o. C.G.M. Telecom B.S.N.L.
 आ. प्र. हैदराबाद-500 001.
 A.P. HYDERABAD-500 001.

3
Accordingly, the case was examined and it was found one official namely Ved Bhushan was found to be junior to the applicant and their particulars are given below.

| | <u>Applicant</u> | <u>Ved Bhushan</u> |
|---------------------------|------------------|--------------------|
| Staff No. | 9519 | 9520 |
| Sr.No | 7084 | 7085 |
| Deemed date of promotion: | 28.12.87 | 28.12.87 |

So the above facts show that the applicant is not entitled for stepping up of pay on par with the said Pillai as contended in the present application in pursuance to the judgement rendered by Jabalpur as mentioned above.

5. It is submitted that a contempt petition No.7 of 1995 was filed by one of the applicant in the said Jabalpur Bench and the same was decided on 15.3.1996 whereby it was held that the action of the department was correct and held that the direction was to fix the pay with respect to next below junior and the directions were complied with. The CGM, Telecom, MP Circle, Bhopal accordingly directed this circle and TDM, Bhuj to take action in accordance with the judgment of Tribunal, Jabalpur in said OA.No.773 of 1991 and the said contempt petition by their letters dated 20.5.96 and 7.7.97.

6. it is further submitted that it is not the case of applicant in the present application that he was entitled for stepping up of his pay on par with said Bhushan and the claim in comparison with said Pillai is not tenable in the light of Jabalpur judgment. Moreover, he cannot file fresh application seeking for implementation of a judgment already rendered in the very same case himself filed. If he is having any grievance with reference to said Bhushan, his immediate junior, he can make out his case. However, he has failed to make out such case. Hence, the present application fails on more than one ground as submitted supra.

3rd page corr.

Attestor
उप नियंत्रक विभाग (विधि)
Sub-Divisional Engineer (Legal)
मु. स. प्र. द्वारा दिलाई
O/o. C.G.M. Telecom B.S.N.L.
आ. प्र. हैदराबाद-500 001.
A.P. HYDERABAD-500 001.

Deponent
दर्शक
Asst. General Manager (Legal)
मु. स. प्र. द्वारा दिलाई
O/o. C.G.M. Telecom B.S.N.L.
आ. प्र. हैदराबाद-500 001.
A.P. HYDERABAD-500 001.

4

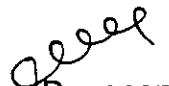
In view of the above submissions, there are no grounds made out in the application under reply so as to interfere in the matter by the Hon'ble Tribunal. Hence, the Hon'ble Tribunal may be pleased to dismiss the original application under reply.

Solemnly affirmed and signed his name

Before me on this 16th Day of November, 05.


Attestor

उप नियन्त्रण इंजीनियर (विधि)
Sub-Divisional Engineer (Legal)
मु.म.प्र. हुसैनाबाद आ.स.नि.लि.
O/o. C.G.M. Telecom B S N.L.
आ.प्र. हैदराबाद-500 001.
A.P. HYDERABAD-500 001.


Deponent

सहायक सहाय्यक (विधि)
Asst. General Manager (Legal)
मु.म.प्र. हुसैनाबाद आ.स.नि.लि.
O/o. C.G.M. Telecom B S N.L.
आ.प्र. हैदराबाद-500 001.
A.P. HYDERABAD-500 001.

IN THE CENTRAL ADMINISTRATIVE TIRBUNAL JABALPUR

(R1) (S)

O.A.No.773/91

V.K.Bhalerao,

Indore & 6 others

Applicants

V/s

UNION OF INDIA & OTHERS

Respondents.

APPLICATION UNDER SECTION 19 A.T.A.C.T 1985.

Advocate for applicants

D M. KULKARNI

234,SAKET NAGAR,

INDORE (M.P.)

Phone No. 492066

Con *Kondela No. 100* *HP* *375048*
HP MP 4446 *198*

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

(1) O.A.767 of 1991

H.S.Vyas & 9 others Vs. Union of India & others

(2) O.A.770 of 1991

K.A.Saify & 2 others Vs. Union of India & others

(3) O.A.772 of 1991

B.D.Chavada & 2 others Vs. Union of India & others

(4) O.A.773 of 1991 *↔*

V.K.Bhalerao & 6 others Vs. Union of India & others

(5) O.A.774 of 1991

R.K.Salviya & 4 others Vs. Union of India & others

(6) O.A.775 of 1991

S.C.Pandey & 2 others Vs. Union of India & others

Counsel:

Shri D.M.Kulkarni - For the applicant in all cases.
Shri B.Da Silva - For the respondents in all cases

Coram:

Hon'ble Shri D.K.Agrawal - Vice Chairman
Hon'ble Shri R.Hariharan - Member (A)

ORAL JUDGMENT

(Passed on this the 20th day of July, 1994)

By these six connected petitions the applicants have claimed seniority on the post of Assistant Engineer, commonly known as T.E.S. Group 'B' post with effect from the year of passing the departmental examination for promotion from the post of Junior Engineer to the post of Assistant Engineer. They claimed seniority as well as consequential benefits at par with their juniors. During the pendency of the petitions, the department has accepted their claim of seniority i.e. the department has accepted that they are entitled to seniority from the year of passing the departmental examination. The seniority list has been accordingly revised. Therefore, the sole point for determination in these petitions as on date is about



consequential benefits. In this regard reference may be invited to the judgment of Lucknow Bench of Allahabad High Court in Writ Petitions Nos. 2739 of 1981 and 3652 of 1981, Parmanand Lal and Brij Mohan Vs. Union of India and others (leading case) dated 20.2.1985 wherein similarly placed persons were directed to be promoted with effect from the year of passing the departmental examination. Consequential benefits were also directed to be given to them. Subsequently, the Principal Bench in a bunch of petitions - leading case being O.A. 2407 of 1988, Shri S. Venkateswara Shenoi Vs. Union of India & others by judgment and order dated 22.4.1992 in respect of similarly situated persons, have passed an order in the following terms:-

"We hold that the applicants are entitled to the benefit of the Judgment of the Allahabad High Court dated 20.02.1985 except that in the event of refixation of seniority and notional promotion with retrospective effect, they would be entitled only to refixation of their present pay which should not be less than that of those who were immediately below them and that they would not be entitled to back wages. We order and direct accordingly."



2. The applicants' seniority having been granted by the department itself, their claim is confined only to the consequential benefits. There is no manner of doubt that they are entitled to the same benefits as had been given by the Principal Bench to the similarly placed persons in the above referred case.

3. In the conspectus of the above facts and circumstances of the case we hereby hold that the applicants are entitled to the benefits of the judgment of the Allahabad High Court dated 20.2.1985 in-as-much as they would be entitled to refixation of their present pay which shall not be less than

88 3 88

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than the pay of those who were immediately below them. However, they will not be entitled to back wages except w.e.f. the date they actually worked on the post of Assistant Engineer. The order shall be implemented within three months of its communication failing which the department shall become liable to pay interest at the rate of 12% p.a. on the arrears of pay if any.

4. Parties are left to bear their own costs.

Sd/-

(R. Hariharan) 20.07.94
Member (A)

Sd/-

(D. K. Agrawal)
Vice Chairman

TRUE-COPY

Subir Dey
Deputy Registrar
Central Administrative Tribunal
Jabalpur Bench, Jabalpur

02

*TC
Subir Dey*

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH.

O.A.No. 773 /91

1. V.K.Bhalerao (Staff No.7420)
A.E. M/W Mtoe III, Indore-452001 Applicant.
2. S.K.Sharma (Staff No.9897)
A.E.(RLU), o/o Telecom, District Manager,
Indore.
3. N.K.Choudhary (Staff No.6607)
A.E. Fault Control, Telephone Exchange
Building, Nehru Park, Road, Indore-452003.
4. D.L.Arora (Staff No.9015)
Commercial Officer-I, 6/8, New Palasia, Indore
5. V.K.Arora (Staff No.9187)
A.E. Multiplexing (P/P) 3rd Floor,
Telephone Exchange Building, Indore-452003
6. K. Kondala Rao, ~~xxN~~ (Staff No.9519)
A.E.(Sat) Bhuj (on deputation to TCIL)
Presently at TC IL Office, 16/1
South Tukoganj, Indore.
7. H.C.Mandloi (Staff No.9578)
S.D.O.T.Dewas, Type III/Q.2 Kalani Ring
Telephone Quarters, Dewas ... Applicants

VERSUS

1. Union of India represented by the
Secretary, Ministry of Telecommunications,
Sanchar Bhawan, 20, Ashok Road, New Delhi.
2. Director General Telecommunication Department,
Sanchar Bhawan, 20, Ashok Road, New Delhi.
3. Chairman, ~~Commission~~ ^{Commission}, Telecomm Communication, Sanchar Bhawan,
20, Ashok Road, New Delhi.
4. K. Shivasankaran Pillai, (Staff No.4152)
A.E. Group, ~~Malthukkilem~~, Via.Kayamkulam (Kerala).
5. N.M.Mehta (Staff No.4147), r/o Krishna Nagar,
Block No.53 B, Room No. 861, Ahmedabad, (Gujrat)

Respondents.

APPLICATION UNDER SECTION 19, A.T. Act 1985

r/w Article 14, 16, 309 and 226 of the Constitution
of India.

CENTRAL ADMINISTRATIVE TRIBUNAL JABALPUR BENCH

C.C.P. NO. 7 OF 1995

(O.A.Nos. 767,770,772,773,774 & 775 OF 91)

decided on 20.7.1994.)

H.S.Vvas & others

Applicants

Versus

Shri R.K. Thakkar, Chairman, Telecom Commission
Sanchar Bhawan, 20, Ashok Road, New Delhi
And another

Respondents

Counselor

Counsel:
Shri D.M. Kulkarni for the applicants
Shri Rohit Arya for the respondents

Coram:

Coram:
Hon'ble Shri Justice M.V. Tamaskar- Vice Chairman
Hon'ble Shri R. Hariharan- Member (A)

ORDER

(Passed on this the 15th day of March, 1996)

By this petition the applicants submits that the common judgment delivered by this Tribunal on 20.7.1994 in the case of H.S. Vyas & 9others (O.A. 767 of 1991) a 5 other cases, has not been complied with. The direction issued by the Tribunal was as under -

"3. In the conspectus of the above facts and circumstances of the case we hereby hold that the applicants are entitled to the benefits of the judgment of the Allahabad High Court dated 20.2.1985 inasmuch as they would be entitled to fixation of their present pay which shall not be less than the pay of those who were immediately below them. However, they will not be entitled to back wages except w.e.f the date they actually worked on the post of Assistant Engineer. The order shall be implemented within three months of its communication failing which the department shall become liable to pay interest at the rate of 12% p.a on the arrears of pay if any"

After passing of the order, this Tribunal had directed the respondents to calculate the amount, and amount be paid by the next date.

2. Shri. Arya, learned counsel for the respondents has filed a chart showing the fixation made as per the decision of the Tribunal. In the case of H.S. Vyas the same has been fixed with reference to Shanker Kumar Dey, in the case of N.K. Choudhary the same has been fixed with reference to G.R. Verma, and in the case of R.N. Sharma, the same has been

contd...21-

1960-1961 1961-1962 1962-1963 1963-1964 1964-1965

33236
11

fixed with reference to D.S.Nagendran. The fixation according to the department comes to Rs.710/- though actually the payment has been made at the rate of Rs.740/-.

3. Shri Kulkarni, learned counsel for the applicants submits that the fixation at Rs.740/- has been made and payment has been made, therefore, the said payment cannot be recovered again. Shri Kulkarni states that the fixation at the rate of Rs.740/- was made by ascertaining the payments made to the persons who are not the next below persons but were juniors to them. Shri Kulkarni further states that merely following the principle of next below would not be compliance of the rule as the juniors to the applicants would be getting more salary than the applicants.

4. By interpreting the order we come to the conclusion that the direction was to fix the pay in respect of the next below juniors. If the applicants are aggrieved they may challenge the same by an appropriate petition. Unless it is shown that the non-compliance is deliberate there can be no contempt. The department interpreted the order bona fide and has made payments and has worked out the actual amount to be paid with reference to the next below juniors. As the matter involved a large exercise because of number being more, we find there is no contempt made out. This ~~CCP~~ is disposed of as the respondents have complied with the orders passed in the QAs. The notices are discharged. The parties shall bear their own costs.

Sd/—
(R.Hariharan) 1573/96
Member (A)

Sd/—
(M.V.Tamaskar)
Vice Chairman

Ex. No. OJ/1/2
Copy forwarded to—
(1) The Secretary, High Court Bar Association,
Jabalpur
(2) The Counsel for respondent Shri/Geeta Kulkarni, D.M.Kulkarni, 234, Salset Nagar, Indore
(3) The Counsel for respondent Shri/Smt/Kn.
(4) The Jr. L.B.C. No. 1, Jabalpur Branch.

for information and necessary action

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT HYDERABAD

Case No: 1498 of 1997

OA No. 120 of 2001 1997



Between:

K. Komal Reddy
R. Rajamani

And

The Chemm / Telangana
Tribunal
SCT / ST / Other
New Delhi
Other

Respondent

Reply affidavit filed on behalf of Respondents

Filed on 18/11/05

Filed by

V. RAJESWARA RAO
SC for Railways
Addl: CGSC
Hyderabad

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD

Original Applications No.1498/1997
Date of Order: 30.11.2005

Between:

K. Kondala Rao

... Applicant

And

1. The Chairman,
Telecom Commission,
Telecommunication,
New Delhi.
2. The Chief General Manager,
Telecommunications,
Gujarat Circle, Ahmedabad.
3. The Telecom Dist. Manager,
Bhuj, Kutch, Gujarat,
Telecommunications.
4. The General Manager,
Telecommunications,
Bhuj, Kutch, Gujarat.
5. The Chief General Manager;
Telecommunications,
A.P. Circle, Hyderabad.

... Respondents

Counsel for the applicant ... Dr.K. Lakshmi Narasimha
Counsel for the respondents ... Sri V. Rajeswara Rao

CORAM:

The Hon'ble Justice Mr R.K.BATTA ... Vice-Chairman

ORAL ORDER
(As per Hon'ble Justice Mr. R.K.BATTA, Vice-Chairman)

The applicant seeks refixation of salary on par with Sivasankaran Pillai without bifurcating the pay as pay + PP with all consequential reliefs. He

R

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH :: HYDERABAD

O.A. No. 1498/92

1. Whether Reporters of local papers may be allowed to see the Judgment?
2. To be referred to the Reporter or not?
3. Whether His/ Their Lordship wish to see the fair copy of the Judgment?
4. Whether the judgment is to be forwarded to the Principal Bench for publishing in C.A.T. Journal?
5. Whether the Judgment is to be circulated to other Benches?

No


HRKB,J
VC

Concurrent application of polyisobutylene and styrene. Transient catalyst for the
aqueous polymerization of styrene in the presence of polyisobutylene

also seeks quashing of recovery of an amount of Rs.9357/- ordered vide memo dated 03.06.96 and refund of the said amount. Consequently the applicant also seeks refixation of pension. The case of the applicant is that prior to his retirement his pay was fixed as per memo dated 08.11.95 and aggrieved by the wrong fixation of the pay, he had filed representations. Subsequently, vide memo dated 03.06.96 an amount of Rs.9357/- was ordered to be deducted from the gratuity of the applicant. The applicant relies upon judgment of the Hon'ble Central Administrative Tribunal, Jabalpur Bench in O.A. No.773/91 wherein directions were given to the respondents to promote the applicant therein on par with his junior and fix the pay accordingly. According to the applicant no reasons have been given by the department for the deduction of a sum of Rs.9352/- nor any notice was given prior to the issue of the said order dated 03.06.96.

2. The respondents in their reply have stated that initially the pay of the applicant was fixed vide memo dated 08.11.95 by stepping up the pay of the applicant on par with Sivasankaran Pillai provisionally which was subject to revision after examination of his case with reference to his immediate junior in terms of the judgment of the CAT, Jabalpur Bench in OA No.773/91. According to the respondents, one official named Ved Bhushan was found to be immediately junior to the applicant and as such, he was not entitled for stepping up of pay on par with Sivasankaran Pillai.

3. Counsel appearing on both sides were heard. Learned counsel for the applicant urged before me that in the case of the applicant the pay of the applicant was fixed at Rs.3125/- (Pay +PP), but in the case of Sivasankaran Pillai it is stated in order dated 08.11.95 that the pay of the Sivasankaran Pillai with effect from

4. The same conclusion for the responsibility underlining the recovery of the
sums to the sum of the case of one Mr. Binspan who was found to be immediately
prior to the application. According to the same conclusion for the responsibility, the
sums to the application is not entitled to recovering up to the date when Sir Alexander Philipps in his
opinion as the head of the application must be taxed keeping in view the fact of this
injury is the injury in consequence of the CAT, Japan being in OA

2. The following signs with objects in the OA below are the signs of the present tense. The following signs with objects in the OA below are the signs of the past tense. The following signs with objects in the OA below are the signs of the future tense.

05.07.94 (pay + PP) are not available. He therefore contends that the fixation of pay of the applicant at Rs.3125/- ~~shall have the same~~ as Pay + PP is wrong since in the case of Sivasankaran Pillai his pay alone is fixed at Rs.3125/- Learned counsel for the applicant has further argued that no notice was given to the applicant before issuing order dated 03.06.96 vide which a sum of Rs.9357/- has been deducted on the ground of over-payment of pay and allowances from the gratuity. He therefore contends that the orders dated 08.11.95 and 03.06.96 are liable to be quashed and directions be issued to the respondents to refix the pay of the applicant on par with Sivasankaran Pillai without bifurcating the pay as pay +PP and also to fix the pension accordingly. He also contends that the recovery ordered has to be quashed.

4. Learned counsel for the respondents tried ^{to} justified the recovery on the strength of the case of one Ved Bhushan who was stated to be immediately junior to the applicant. According to the learned counsel for the respondents, the applicant is not entitled to stepping up of pay on par with Sivasankaran Pillai in as much as the pay of the applicant has to be fixed keeping in view the pay of his immediate junior in terms of the judgment of the CAT, Jabalpur Bench in OA 773/91 and the application is liable to rejected.

5. The applicant along with others had filed OA 773/91 before the Central Administrative Tribunal, Jabalpur Bench in which he had claimed seniority as well as consequential benefits on par with their juniors. The Tribunal vide order dated 20.07.1994 held that the applicant would be entitled for refixation of their present pay which shall not be less than the pay of those who were immediately below them. Consequent to the said judgment, order dated 08.11.95 was passed

କାନ୍ତିରେ କାନ୍ତିରେ କାନ୍ତିରେ କାନ୍ତିରେ କାନ୍ତିରେ

ordering stepping up of pay of the applicant along with Sivasankaran Pillai, but the said order further stated that the stepping up of the pay of the applicant is provisional and subject to revision after examination of his case with reference to his immediate junior. The pay of the applicant was fixed at Rs.3125/- which included pay + PP whereas pay of Sivasankaran Pillai was fixed at Rs.3125/- and the order stated that the pay of Sivasankaran Pillai with effect from 05.07.94 (pay and PP) are not available. The applicant had made several representations against this order wherein he had claimed that his pay was to be fixed on par with Sivasankaran Pillai without bifurcating the pay as pay +PP. But it appears that the said representations have not been disposed of. Subsequently, vide order dated 03.06.96 a sum of Rs.9357/- was ordered to be deducted from the gratuity of the applicant on the ground of over-payment of pay and allowances. Learned counsel for the applicant has urged before me that no notice whatsoever was issued prior to this order. I have already pointed out that the respondents are trying to justify this order on the basis of the case of Ved Bhushan who is said to be immediately junior to the applicant. Their case is that the applicant is not entitled for stepping up of pay on par with Sivasankaran Pillai. Order dated 03.06.96 does not give any indication as to how and on what basis the overpayment of pay and allowances has been worked out as Rs.9357/- which was recovered from the gratuity of the applicant. Any subsequent justification given in the reply cannot substantiate the said order dated 03.06.96 which was issued without any notice whatsoever. Therefore, the order dated 03.06.96 is liable to be quashed and set aside and the same is hereby quashed in so far as it pertains to the deduction of Rs.9357/- and the said amount is ordered to be refunded to the applicant within a period of three months from the date of the order with 10% interest thereon from the time it was deducted till the payment is effected.



LITERATUR

Digitized by srujanika@gmail.com

6. In so far as the order dated 08.11.95 is concerned, the said order was provisional order and was subject to revision after examination of his case with reference to his immediate junior. However, it appears that no further order has been passed by the respondents with reference to the order dated 08.11.95 and the respondents in the reply have tried to suggest that the applicant is not entitled for stepping up of pay on par with Sivasankaran Pillai but his pay is to be fixed with reference to one Ved Bhushan who was immediately junior to the applicant. I have already stated that the applicant had made representations to the respondents with reference to the order dated 08.11.95 which were not disposed of by the department. In this view of the matter, it is considered necessary that directions be given to the respondents to consider the said representations filed by the applicant and pass speaking and reasoned order with reference to the order dated 08.11.95 in accordance with the directions in the judgment dated 20.07.94 of the Central Administrative Tribunal, Jabalpur Bench in OA 773/91 within a period of three months from the date of receipt of the order. The application is allowed in the aforesaid terms with no order as to costs. The respondents shall report compliance of the directions given in this order after three months ^{plus} ~~except~~ the time taken for service of the order on the respondents and the matter be listed on board for that purpose.


(R.K.BATTA)
Vice-Chairman

Dated the 30th November 2005
(Dictated in Open Court)

evr

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

COPY TO:

1. VICE-CHAIRMAN

2. H. MEMBER(ADMN)

3. H.R.R. MEMBER(JUDI.)

4. HCSS MEMBER(ADMN)

5. DEPUTY REGISTRAR(JUDI.)

6. ADVOCATE

7. STANDING COUNSEL

8. SPARE

9. REPORTERS

10. APPLICANT

11. RESPONDENTS

12. ALL BENCHES

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

THE HON'BLE MR. JUSTICE R.K. BATTI,
VICE-CHAIRMAN

THE HON'BLE MR. MEMBER(ADMN)

THE HON'BLE MRS. BHARATT RAY: MEMBER(JUDI.)

THE HON'BLE MEMBER(ADMN)

DATE OF ORDER: 30/11/05.

MA/CP/RA/NO.

JN

OA NO. 1498/97

NRA/ADMITTED AND INTERTM DIRECTIONS

ALLOWED Post after 3 months for
DISPOSED OF Compliance Report.

DISPOSED OF WITH DIRECTIONS

DISPOSED OF AS WITHDRAWN

ORDERED ACCORDINGLY

DISMISSED

REJECTED

DISMISSED AS INFRUITUOUS

DISMISSED FOR DEFAULT

C.P. CLOSED/DISMISSED/REJECTED

WITH COSTS/NO ORDER AS TO COSTS

3/3/06

Records/Posting/Notice.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD

MA's 335/2006 & 336/2006 IN
O.A.NO. 1498/1997.
DATE OF ORDER: 24.08.2006

BETWEEN:

1. The Chairman, Telecom Commission, Department of Telecom, Sanchar Bhavan, New-Delhi.
2. The Chief General Manager, AP.Circle, Nampally Station Road, Hyderabad.
3. The Telecom Dist. Manager, Bhuj, Kutch Gujarat, Telecom.
4. The General Manager, Telecommunications, Bhuj, Kutch, Gujarat.
5. The Chief General Manager, Telecommunications, Gujarat, Circle, Ahmedabad.

...Applicant / Respondents

And
K.Kondala Rao

...Respondents / Applicant

COUNSEL FOR THE APPLICANTS: MR. V.RAJESWARA RAO, ADDL. CGSC.
COUNSEL FOR THE RESPONDENTS: DR. K. LAKSHMINARASIMHA.

CORAM:

THE HON'BLE MRS. BHARATI RAY: MEMBER (JUDL)
THE HON'BLE MRS. GEETHA THOOPAL: MEMBER (ADMN),

THE HON'BLE TRIBUNAL MADE THE FOLLOWING ORDER:

MA.335/2006 has been filed by the official respondents in OA for extension of time to implement the order of this Tribunal in OA.1498/1997. The order was passed on 30.11.2005 and copy was made ready on 13.12.2005. 3 months time was granted for implementing the order and this MA was filed on 04.05.2006. Therefore, it appears that the MA was filed after the expiry of the time granted by the Tribunal. Therefore, MA.335/06 is dismissed. Accordingly MA.336/2006 become infructuous and dismissed. No costs.

h
Sd/- 29/8/06
(N.N.PRADEEP)
REGISTRAR

COPY TO

1. VICE-CHAIRMAN
2. H MEMBER(ADMN)
3. HBR, MEMBER(JUDL)
4. H MEMBER(ADMN)
5. DEPUTY REGISTRAR(J)

6. ADVOCATE

7. STANDING COUNSEL

8. SPARE

9. REPORTERS

10. ALL BENCHES

11. PRINCIPAL BENCH

12. RESPONDENT

13. APPLICANT

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL, HYDERABAD BENCH, HYD

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

THE HONBLE MR JUSTICE R.K. BATHA

VICE-CHAIRMAN

THE HONBLE MR

MEMBER(ADMN)

THE HONBLE MRS. BHARATI RAY,
MEMBER (JUDL)

THE HONBLE MRS. GEEETHA THOOPAL

DATE OF ORDER: 24/8/66 M(A).

MA/REG NO. 335/06 & 336/06

IN

O.A.NO. 1498/1997

NBA/ADMIT/ & INTERIM DIRECTIONS

ALLOWED

DISPOED OF

DISPOED OF WITH DIRECTIONS

DISPOED OF AS WITHDRAWN

ORDERED ACCORDINGLY

DISMISSED/ REJECTED

DISMISSED AS INFRACTUOUS

DISMISSED FOR DEFAULT

C.P CLOSED/DISMISSED/REJECTED

NO ORDER AS TO COSTS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD
AT HYDERABAD

M.A.NO. 235 OF 2006
IN

O.A NO. 1498 OF 1997

Between :

K. Kondala Rao

..... Applicant

And

The Chairman, Telecom Commission
Telecommunications, New Delhi and 4 others

..... Respondents

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| 2. | CAT, Hyderabad Judgement dated 30.11.2005 O.A.No. 1498/97 | R 1 | |
| 3. | Lr. No. 4-9/2006-PAT (BSNL) dated 1.5.2006 | R 2 | |



COUNSEL FOR THE RESPONDENTS

Hyderabad

Date: 4/5/06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : : HYDERABAD
AT HYDERABAD

M.A.NO. 335 OF 2006
IN

O.A NO. 1498 OF 1997

Between :

K. Kondala Rao
S/o Samba Murthy ,
Retd SDOT Guntur,
H.No. 11-9-15/1 Road No 3
Laxminagar,Kothapet
Hyderabad.

..... **Applicant**

And

1. The Chairman, Telecom Commission
Telecommunications, New Delhi
2. The Chief general Manager,
Telecommunication, Gujarat Circle,
Ahmedabad.
3. The Telecom Dist.Manager,
Bhuj,Kutch Gujarat, Telecom.
4. The General Manager,
Telecommunications,
Bhuj,Kutch, Gujarat.
5. The Chief General Manager,
Telecommunications,AP,Circle,
Hyderabad.

U/R by CAT Rule 1997 **Respondents**

For the reasons contained in the accompanying affidavit it is prayed
that the Hon'ble CAT of Andhra Pradesh may be pleased to grant
extension of 3 (three) months to implement the directions of the
Hon'ble Tribunal contained in the order dated 30.11.2005 passed in
O.A. 1498/97 and pass such other order or orders the Hon'ble Tribunal
may deem fit and just in the circumstances of the case.



Counsel for the Applicants/ Respondents

Hyderabad.

Dated: *4/6/06*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD
AT HYDERABAD

M.A.NO. ~~335~~ OF 2006
IN

O.A NO. 1498 OF 1997

Between :

K. Kondala Rao Applicant

And

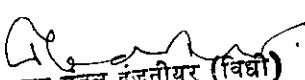
The Chairman, Telecom Commission
Telecommunications, New Delhi and 4 others Respondents

AFFIDAVIT

I V. Eswara Rao, S/O Soorana, aged about 53 years,
Asst General Manager (Legal), R/o Hyderabad do hereby solemnly affirm
and state as under:

1. It is submitted that the respondents/applicants have filed the OA seeking re fixation of salary on par with Sivasankaran Pillai without bifurcating the pay as pay + PP with all consequential relief's. and also quashing of recovery of an amount of Rs. 9357/- ordered vide memo dated 3.6.1996 and refund of the said amount. Consequentially the applicant also seeks re fixation of pension.
2. It is submitted that the Hon'ble Tribunal after hearing the matter was pleased to dispose of the OA and a judgment dated 30.11.2005 was passed directing the applicant / respondents to consider the said representations filed by the respondents/applicant and pass speaking and reasoned order with reference to the order dated 8.11.95 in accordance with the directions in the judgment dated 20.7.94 of the Central Administrative Tribunal, Jabalpur Bench in OA 773/91 within a period of three months from the date of receipt of the order. The copy of the order was made ready on 13.12.2005 and was received on 21.12.2005.

1st page corr.


उप महल इंजीनीयर (विद्या)
Sub-Divisional Engineer (Legal)
मु. म. प्र. दुरसंचार भा. स. नि. लि.
O/o. C.G.M. Telecom B.S.N.L.
आ. प. हैदराबाद-500 001.
A. P. HYDERABAD-500 001.

का. ई. वा. राष्ट्र
कर्मचारी विवर
Dependent
Asst. General Manager (Legal)
मु. म. प्र. दुरसंचार भा. स. नि. लि.
O/o. C.G.M. Telecom B.S.N.L.
आ. प. हैदराबाद-500 001.
A. P. HYDERABAD-500 001.

3. It is submitted that immediately after receiving the order the same was communicated to CGMT, Gujarat Circle as the respondent/applicant retired from Gujarat Circle. The applicant/ respondents who has to take decision has requested to take extension of time (Copy enclosed) As the time granted by the Hon'ble Tribunal is not sufficient and a further time of Three (3) Months is required for taking a decision for disposing the representation.

4. In view of the above submission the Hon'ble Tribunal may be pleased to permit to grant 3 (three) months time from the date of by which the time granted by the Hon'ble court t expires and pass such other order or orders the Hon'ble Tribunal may deem fit and just in the circumstances of the case.

Solemnly sworn and signed before
me on this 4th day of May 2006.

का. ई.वर.राव
Deponent

सहाय्य ग्रहा प्रबंधक (विधि)
Asst. General Manager (Legal)
मु.स.प्र. दुरस्वार भा.सं.नि.लि.
O/o. C.G.M. Telecom B-S.N.L.
आ.प्र. हैदराबाद-500 001.
A.P. HYDERABAD-500 001

Attestor

उप मंडल इंजीनीयर (विधि)
Sub-Divisional Engineer (Legal)
मु. स. प्र. दुरस्वार भा. सं. नि. लि.
O/o. C.G.M. Telecom B-S.N.L.
आ.प्र. हैदराबाद-500 001.
A.P. HYDERABAD-500 001

also seeks quashing of recovery of an amount of Rs.9357/- ordered vide memo dated 03.06.96 and refund of the said amount. Consequently the applicant also seeks refixation of pension. The case of the applicant is that prior to his retirement his pay was fixed as per memo dated 08.11.95 and aggrieved by the wrong fixation of the pay, he had filed representations. Subsequently, vide memo dated 03.06.96 an amount of Rs.9357/- was ordered to be deducted from the gratuity of the applicant. The applicant relies upon judgment of the Hon'ble Central Administrative Tribunal, Jabalpur Bench in O.A. No.773/91 wherein directions were given to the respondents to promote the applicant therein on par with his junior and fix the pay accordingly. According to the applicant no reasons have been given by the department for the deduction of a sum of Rs.9352/- nor any notice was given prior to the issue of the said order dated 03.06.96.

2. The respondents in their reply have stated that initially the pay of the applicant was fixed vide memo dated 08.11.95 by stepping up the pay of the applicant on par with Sivasankaran Pillai provisionally which was subject to revision after examination of his case with reference to his immediate junior in terms of the judgment of the CAT, Jabalpur Bench in OA No.773/91. According to the respondents, one official named Ved Bhushan was found to be immediately junior to the applicant and as such, he was not entitled for stepping up of pay on par with Sivasankaran Pillai.

3. Counsel appearing on both sides were heard. Learned counsel for the applicant urged before me that in the case of the applicant the pay of the applicant was fixed at Rs.3125/- (Pay +PP), but in the case of Sivasankaran Pillai it is stated in order dated 08.11.95 that the pay of the Sivasankaran Pillai with effect from

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**



Original Applications No.1498/1997

Date of Order: 30.11.2005

Between:

K. Kondala Rao

... **Applicant**

And

1. The Chairman,
Telecom Commission,
Telecommunication,
New Delhi.
2. The Chief General Manager,
Telecommunications,
Gujarat Circle, Ahmedabad.
3. The Telecom Dist. Manager,
Bhuj, Kutch, Gujarat,
Telecommunications.
4. The General Manager,
Telecommunications,
Bhuj, Kutch, Gujarat.
5. The Chief General Manager,
Telecommunications,
A.P. Circle, Hyderabad.

... **Respondents**

Counsel for the applicant ... Dr. K. Lakshmi Narasimha
Counsel for the respondents ... Sri V. Rajeswara Rao

CORAM:

The Hon'ble Justice Mr R.K.BATTA ... Vice-Chairman

ORAL ORDER
(As per Hon'ble Justice Mr. R.K.BATTA, Vice-Chairman)

The applicant seeks refixation of salary on par with Sivasankaran Pillai without bifurcating the pay as pay + PP with all consequential reliefs. He

R

ordering stepping up of pay of the applicant along with Sivasankaran Pillai, but the said order further stated that the stepping up of the pay of the applicant is provisional and subject to revision after examination of his case with reference to his immediate junior. The pay of the applicant was fixed at Rs.3125/- which included pay + PP whereas pay of Sivasankaran Pillai was fixed at Rs.3125/- and the order stated that the pay of Sivasankaran Pillai with effect from 05.07.94 (pay and PP) are not available. The applicant had made several representations against this order wherein he had claimed that his pay was to be fixed on par with Sivasankaran Pillai without bifurcating the pay as pay +PP. But it appears that the said representations have not been disposed of. Subsequently, vide order dated 03.06.96 a sum of Rs.9357/- was ordered to be deducted from the gratuity of the applicant on the ground of over-payment of pay and allowances. Learned counsel for the applicant has urged before me that no notice whatsoever was issued prior to this order. I have already pointed out that the respondents are trying to justify this order on the basis of the case of Ved Bhushan who is said to be immediately junior to the applicant. Their case is that the applicant is not entitled for stepping up of pay on par with Sivasankaran Pillai. Order dated 03.06.96 does not give any indication as to how and on what basis the overpayment of pay and allowances has been worked out as Rs.9357/- which was recovered from the gratuity of the applicant. Any subsequent justification given in the reply cannot substantiate the said order dated 03.06.96 which was issued without any notice whatsoever. Therefore, the order dated 03.06.96 is liable to be quashed and set aside and the same is hereby quashed in so far as it pertains to the deduction of Rs.9357/- and the said amount is ordered to be refunded to the applicant within a period of three months from the date of the order with 10% interest thereon from the time it was deducted till the payment is effected.

R.

05.07.94 (pay + PP) are not available. He therefore contends that the fixation of pay of the applicant at Rs.3125/- ~~shall have the same~~ as Pay + PP is wrong since in the case of Sivasankaran Pillai his pay alone is fixed at Rs.3125/- Learned counsel for the applicant has further argued that no notice was given to the applicant before issuing order dated 03.06.96 vide which a sum of Rs.9357/- has been deducted on the ground of over-payment of pay and allowances from the gratuity. He therefore contends that the orders dated 08.11.95 and 03.06.96 are liable to be quashed and directions be issued to the respondents to refix the pay of the applicant on par with Sivasankaran Pillai without bifurcating the pay as pay +PP and also to fix the pension accordingly. He also contends that the recovery ordered has to be quashed.

4. Learned counsel for the respondents tried justified the recovery on the strength of the case of one Ved Bhushan who was stated to be immediately junior to the applicant. According to the learned counsel for the respondents, the applicant is not entitled to stepping up of pay on par with Sivasankaran Pillai in as much as the pay of the applicant has to be fixed keeping in view the pay of his immediate junior in terms of the judgment of the CAT, Jabalpur Bench in OA 773/91 and the application is liable to rejected.

5. The applicant along with others had filed OA 773/91 before the Central Administrative Tribunal, Jabalpur Bench in which he had claimed seniority as well as consequential benefits on par with their juniors. The Tribunal vide order dated 20.07.1994 held that the applicant would be entitled for refixation of their present pay which shall not be less than the pay of those who were immediately below them. Consequent to the said judgment, order dated 08.11.95 was passed

6. In so far as the order dated 08.11.95 is concerned, the said order was provisional order and was subject to revision after examination of his case with reference to his immediate junior. However, it appears that no further order has been passed by the respondents with reference to the order dated 08.11.95 and the respondents in the reply have tried to suggest that the applicant is not entitled for stepping up of pay on par with Sivasankaran Pillai but his pay is to be fixed with reference to one Ved Bhushan who was immediately junior to the applicant. I have already stated that the applicant had made representations to the respondents with reference to the order dated 08.11.95 which were not disposed of by the department. In this view of the matter, it is considered necessary that directions be given to the respondents to consider the said representations filed by the applicant and pass speaking and reasoned order with reference to the order dated 08.11.95 in accordance with the directions in the judgment dated 20.07.94 of the Central Administrative Tribunal, Jabalpur Bench in OA 773/91 within a period of three months from the date of receipt of the order. The application is allowed in the aforesaid terms with no order as to costs. The respondents shall report compliance of the directions given in this order after three months ^{plus} except the time taken for service of the order on the respondents and the matter be listed on board for that purpose.

प्रमाणित प्रति
CERTIFIED TRUE COPY

केस संख्या OA 1478/97

CASE NUMBER

नियमित दिन 30/11/05

DATE

प्रति दिन 31/12/05

COPY

31/12/05

Devi Devi

अनुसन्धान विभाग के लिए नियमित दिन 30/11/05

Seal : Court Officer

नियमित दिन 31/12/05

Central Administrative Tribunal

नियमित दिन 31/12/05

Shriram Sanchar Nigam Ltd.
(A Government of India Enterprise)
Corporate Office
B-201, Statesman House
New Delhi - 110 001.
(PAT Section)

1/5/06
No. 4-9/2006-PAT(BSNL)

Dtd. 25/4/2006.

To

The Chief General Manager
B S N L
A.P. Telecom Circle
Hyderabad

Sub : O.A. No.1498/97 filed by Smti K. Kondala Rao(Retd.) SDOT Bhuj
Gujarat Circle regarding steeping up of pay.

Sir,

I am directed to invite your kind attention to this office letter of even No. dated 24-3-06 on the above mentioned subject and to intimate that CGM Gujarat Circle has been asked to examine the case in consultation with Circle IFA and issue speaking orders urgently in this matter under Intimation to this office as well as to DOT.

It is, however, requested that Hon'ble Tribunal may kindly be requested to grant extension of time of three months for disposing off the case in terms of judgement dated 30-11-2005 of the Hon'ble Tribunal as the three months time seems to have been expired and there is a chance of contempt of court case for non-implementation of Hon'ble CAT's order dated 30-11-2005.

Yours faithfully,

1/5/06

(R.R.P. Sinha)

Asstt. Director General (P-V)
Tele. No. 23037475.

25/4/06

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL, HYDERABAD

AT HYDERABAD

Memo

105

O.A.NO. 1498 OF 1496/1997.

Misc / Extension Petition

O/R 24 2 C.A.T (R)



Filed on:

Filed by

Mr. Rajeswara Rao
(Counsel for the
petitioners/respondents)

8/2
Sent to Records
on 29/5

Mar 11
Mar 11
8/18

MA 235/06 in OA 1498/97

24/08/06

MA is dismissed

Vide order on OA

docket sheet.



HGT
FL(A)


HBR
HGT



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : : HYDERABAD
AT HYDERABAD

M.A.NO. 336 OF 2006
IN
M.A.(SR).No. 1007 of 2006
IN
OA.No. 1498 of 1997

Between:

1. The Chairman, Telecom Commission
Department of telecom,
Sanchar Bhavan, New Delhi -1
2. The Chief General Manager,
AP,Circle,Nampally Station Road,
Hyderabad.
3. The Telecom Dist.Manager,
Bhuj,Kutch Gujarat,Telecom.
4. The General Manager,
Telecommunications,
Bhuj,Kutch,Gujarat.
5. The Chief General Manager,
Telecommunications,Gujarat,Circle,
Ahemedabad.

.....Applicants/Respondents

AND

K. Kondala Rao
S/o Samba Murthy,
Retd SDOT Guntur,
Flat.102, 16-2-753/33,
Revenue Board Colony,
Hyderabad - 500 036.

..... Respondents/Applicant

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| 2. | CAT,Hyderabad Judgement dated 30.11.2005 O.A.No.1498/1997 | R 1 | 4- 8 |
| 3. | Lr. Legal/Misc/GMTD Bhuj/2005/108 dt 5.6.06 from AGM(L) Ahemedabad. | R 2 | 9 |

[Signature]
COUNSEL FOR THE RESPONDENTS

Hyderabad

Date: 28.06.2006

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD
AT HYDERABAD

M.A.NO. 336 OF 2006
IN
M.A.(SR).No. 1007 of 2006
IN
OA.No. 1498 of 1997

Between:

1. The Chairman, Telecom Commission
Department of telecom,
Sanchar Bhavan, New Delhi -1
2. The Chief General Manager,
AP, Circle, Nampally Station Road,
Hyderabad.
3. The Telecom Dist. Manager,
Bhuj, Kutch Gujarat, Telecom.
4. The General Manager,
Telecommunications,
Bhuj, Kutch, Gujarat.
5. The Chief General Manager,
Telecommunications, Gujarat, Circle,
Ahemedabad.

.....Applicants/Respondents

AND

K. Kondala Rao
S/o Samba Murthy,
Retd SDOT Guntur,
Flat No. 102, 16-2-753/33
Revenue Board Colony,
Hyderabad - 500 036.

..... Respondents/Applicant

124 (R/w 83) }
Petition filed under Rule of CAT (P) Rules, 1987

For the reasons stated in the accompanying affidavit, the applicant/respondents herein pray the Hon'ble Tribunal may be pleased to permit and amend the earlier MA(SR)NO. 1007 of 2006 and the time limit may be read as 6 (Six) months instead of 3 (three) as sought in the earlier MA and pass such other order to comply with the direction passed on 30.11.2005 in OA No. 1498 of 1997 and pass such other orders(s) as the Hon'ble Tribunal may deem fit and just.

Hyderabad

Dt 30.... 2006

Varshini

Counsel for the applicant/respondents

2

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : : HYDERABAD
AT HYDERABAD**

**M.A.NO. 331 OF 2006
IN
M.A.(SR).No. 1007 of 2006**

IN

OA.No. 1498 of 1997

Between:

1. The Chairman, Telecom Commission
Department of telecom,
Sanchar Bhavan, New Delhi -1
2. The Chief General Manager,
AP, Circle, Nampally Station Road,
Hyderabad.
3. The Telecom Dist. Manager,
Bhuj, Kutch Gujarat, Telecom.
4. The General Manager,
Telecommunications,
Bhuj, Kutch, Gujarat.
5. The Chief General Manager,
Telecommunications, Gujarat, Circle,
Ahemedabad.

.....Applicants/Respondents

AND

K. Kondala Rao
S/o Samba Murthy,
Retd SDOT Guntur,
Flat.102, 16-2-753/33,
Revenue Board Colony,
Hyderabad - 500 036.

..... Respondents/Applicant

AFFIDAVIT

1. I V. Eswar Rao S/o V. Suranna aged 53 working as AGM (Legal), % CGMT, BSNL, Hyderabad do hereby solemnly affirm and state as under:
2. I submit that I am working in the office of respondent No. 2. I have read case and also the order passed by the Hon'ble Tribunal in OA No. 1498 of 1997. Hence, I know the facts of case deposed hereunder. I am filing this reply affidavit on behalf all the respondents in OA as I have been authorized to do so.

1st Page Corr.

Abdul
Attestor

उप मंडल इंजीनीयर (विधि)
Sub-Divisional Engineer (Legal)
मु.प्र. दुरसंचार भा सं नि लि.
O/o C G M Telecom B S.N.L.
आ.प्र. हैदराबाद-500 001.
A.P. HYDERABAD-500 001.

द्वा. ई. शर्मा राव
Deponent

सदाशङ्क महा प्रांधक (विधि)
Asst. General Manager (Legal)
मु.प्र. दुरसंचार भा सं नि लि.
O/o C G M Telecom B S.N.L.
आ.प्र. हैदराबाद-500 001.
A.P. HYDERABAD-500 001.

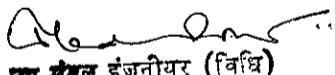
3. I submit that we have earlier filed one MA (SR) No. 1007 of 2006 seeking extension of further time of 3 (three) months from 20.3.2006 to 19.06.2006. The said MA is still pending disposal on the file of Hon'ble Tribunal. However, we could not complete full course of action as directed by the Hon'ble Tribunal in its order dated 30.11.2005 passed in OA.No. 1498 of 1997. The delay is neither intentional nor deliberate and it purely administrative delay. The Hon'ble Tribunal may be pleased to condone the delay in implementing the direction of Hon'ble Tribunal in the said OA.

Hence, the respondents in the original application requires further time and the we may be permitted to read **6 (Six) months instead of 3 (Three) months** as sought in the earlier MA (SR) No. 1007 of 2006 filed in OA.No. 1498 of 1997.

In view of the above submissions the Hon'ble Tribunal may be pleased to permit us to amend the earlier MA(SR).No. 1007 of 2006 and the time limit ,may be read as **6 (Six) months instead of 3(Three) Months 2006 ie from 19.6.2006 to 18.09.2006** to comply with the directions passed on 30.11.2005 in OA.No. 1498 of 1997 and pass such other order as the Hon'ble Tribunal may deem fit and just in the circumstances of case.

Solemnly affirm and state that the above
Contents are true and correct and signed
His name on this ^{28th} Day of June, 2006

Attestor


उप विभाल इंजीनीयर (विधि)
Sub-Divisional Engineer (Legal)
मु.म.प्र. दुर्सचार भा सं नि लि.
O/o C G M Telecom B S.N.L.
आ प्र. दुर्सचार-500 001.
A.P. HYDERABAD 500 001.

वा. ई.वा.रा.ख
Deponent

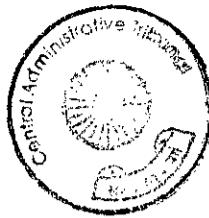
लाइसेन्स एन्ड प्रैसियर (विधि)
Asst. General Manager (Legal)
मु.म.प्र. दुर्सचार भा सं नि लि.
O/o C G M Telecom B S.N.L.
आ प्र. दुर्सचार-500 001.
A.P. HYDERABAD 500 001.

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also seeks quashing of recovery of an amount of Rs.9357/- ordered vide memo dated 03.06.96 and refund of the said amount. Consequently the applicant also seeks refixation of pension. The case of the applicant is that prior to his retirement his pay was fixed as per memo dated 08.11.95 and aggrieved by the wrong fixation of the pay, he had filed representations. Subsequently, vide memo dated 03.06.96 an amount of Rs.9357/- was ordered to be deducted from the gratuity of the applicant. The applicant relies upon judgment of the Hon'ble Central Administrative Tribunal, Jabalpur Bench in O.A. No.773/91 wherein directions were given to the respondents to promote the applicant therein on par with his junior and fix the pay accordingly. According to the applicant no reasons have been given by the department for the deduction of a sum of Rs.9352/- nor any notice was given prior to the issue of the said order dated 03.06.96.

2. The respondents in their reply have stated that initially the pay of the applicant was fixed vide memo dated 08.11.95 by stepping up the pay of the applicant on par with Sivasankaran Pillai provisionally which was subject to revision after examination of his case with reference to his immediate junior in terms of the judgment of the CAT, Jabalpur Bench in OA No.773/91. According to the respondents, one official named Ved Bhushan was found to be immediately junior to the applicant and as such, he was not entitled for stepping up of pay on par with Sivasankaran Pillai.

3. Counsel appearing on both sides were heard. Learned counsel for the applicant urged before me that in the case of the applicant the pay of the applicant was fixed at Rs.3125/- (Pay +PP), but in the case of Sivasankaran Pillai it is stated in order dated 08.11.95 that the pay of the Sivasankaran Pillai with effect from



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

**Original Applications No.1498/1997
Date of Order: 30.11.2005**

Between:

K. Kondala Rao

... **Applicant**

And

1. The Chairman,
Telecom Commission,
Telecommunication,
New Delhi.
2. The Chief General Manager,
Telecommunications,
Gujarat Circle, Ahmedabad.
3. The Telecom Dist. Manager,
Bhuj, Kutch, Gujarat,
Telecommunications.
4. The General Manager,
Telecommunications,
Bhuj, Kutch, Gujarat.
5. The Chief General Manager,
Telecommunications,
A.P. Circle, Hyderabad.

... **Respondents**

Counsel for the applicant ... **Dr.K. Lakshmi Narasimha**
Counsel for the respondents ... **Sri V. Rajeswara Rao**

CORAM:

The Hon'ble Justice Mr R.K.BATTA ... Vice-Chairman

ORAL ORDER
(As per Hon'ble Justice Mr. R.K.BATTA, Vice-Chairman)

The applicant seeks refixation of salary on par with Sivasankaran Pillai without bifurcating the pay as pay + PP with all consequential reliefs. He

7

ordering stepping up of pay of the applicant along with Sivasankaran Pillai, but the said order further stated that the stepping up of the pay of the applicant is provisional and subject to revision after examination of his case with reference to his immediate junior. The pay of the applicant was fixed at Rs.3125/- which included pay + PP whereas pay of Sivasankaran Pillai was fixed at Rs.3125/- and the order stated that the pay of Sivasankaran Pillai with effect from 05.07.94 (pay and PP) are not available. The applicant had made several representations against this order wherein he had claimed that his pay was to be fixed on par with Sivasankaran Pillai without bifurcating the pay as pay +PP. But it appears that the said representations have not been disposed of. Subsequently, vide order dated 03.06.96 a sum of Rs.9357/- was ordered to be deducted from the gratuity of the applicant on the ground of over-payment of pay and allowances. Learned counsel for the applicant has urged before me that no notice whatsoever was issued prior to this order. I have already pointed out that the respondents are trying to justify this order on the basis of the case of Ved Bhushan who is said to be immediately junior to the applicant. Their case is that the applicant is not entitled for stepping up of pay on par with Sivasankaran Pillai. Order dated 03.06.96 does not give any indication as to how and on what basis the overpayment of pay and allowances has been worked out as Rs.9357/- which was recovered from the gratuity of the applicant. Any subsequent justification given in the reply cannot substantiate the said order dated 03.06.96 which was issued without any notice whatsoever. Therefore, the order dated 03.06.96 is liable to be quashed and set aside and the same is hereby quashed in so far as it pertains to the deduction of Rs.9357/- and the said amount is ordered to be refunded to the applicant within a period of three months from the date of the order with 10% interest thereon from the time it was deducted till the payment is effected.

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— 6 —

05.07.94 (pay + PP) are not available. He therefore contends that the fixation of pay of the applicant at Rs.3125/- ~~shall have the same~~ as Pay + PP is wrong since in the case of Sivasankaran Pillai his pay alone is fixed at Rs.3125/- Learned counsel for the applicant has further argued that no notice was given to the applicant before issuing order dated 03.06.96 vide which a sum of Rs.9357/- has been deducted on the ground of over-payment of pay and allowances from the gratuity. He therefore contends that the orders dated 08.11.95 and 03.06.96 are liable to be quashed and directions be issued to the respondents to refix the pay of the applicant on par with Sivasankaran Pillai without bifurcating the pay as pay + PP and also to fix the pension accordingly. He also contends that the recovery ordered has to be quashed.

4. Learned counsel for the respondents tried justified the recovery on the strength of the case of one Ved Bhushan who was stated to be immediately junior to the applicant. According to the learned counsel for the respondents, the applicant is not entitled to stepping up of pay on par with Sivasankaran Pillai in as much as the pay of the applicant has to be fixed keeping in view the pay of his immediate junior in terms of the judgment of the CAT, Jabalpur Bench in OA 773/91 and the application is liable to rejected.

5. The applicant along with others had filed OA 773/91 before the Central Administrative Tribunal, Jabalpur Bench in which he had claimed seniority as well as consequential benefits on par with their juniors. The Tribunal vide order dated 20.07.1994 held that the applicant would be entitled for refixation of their present pay which shall not be less than the pay of those who were immediately below them. Consequent to the said judgment, order dated 08.11.95 was passed

8 -

6. In so far as the order dated 08.11.95 is concerned, the said order was provisional order and was subject to revision after examination of his case with reference to his immediate junior. However, it appears that no further order has been passed by the respondents with reference to the order dated 08.11.95 and the respondents in the reply have tried to suggest that the applicant is not entitled for stepping up of pay on par with Sivasankaran Pillai but his pay is to be fixed with reference to one Ved Bhushan who was immediately junior to the applicant. I have already stated that the applicant had made representations to the respondents with reference to the order dated 08.11.95 which were not disposed of by the department. In this view of the matter, it is considered necessary that directions be given to the respondents to consider the said representations filed by the applicant and pass speaking and reasoned order with reference to the order dated 08.11.95 in accordance with the directions in the judgment dated 20.07.94 of the Central Administrative Tribunal, Jabalpur Bench in OA 773/91 within a period of three months from the date of receipt of the order. The application is allowed in the aforesaid terms with no order as to costs. The respondents shall report compliance of the directions given in this order after three months ^{plus} except the time taken for service of the order on the respondents and the matter be listed on board for that purpose.

प्रमाणित प्रति
CERTIFIED TRUE COPY

केस संख्या 07/1478/97
CASE NUMBER 07/1478/97
निपात नं 30/110
DATE 18/11/97
प्रमाणित
OCA

18/11/97
Deputy Secretary
Central Administrative Tribunal
Jabalpur - 441001
State of Madhya Pradesh
India
Central Administrative Tribunal
Jabalpur - 441001
State of Madhya Pradesh
India

17/6 9- R-2

Bharat Sanchar Nigam Limited
(A Govt. of India Enterprise)



O/o Chief General Manager,
Gujarat Telecom. Circle
Telephone Bhavan, C.G. Road
AHMEDABAD - 380 006

No. Legal/Misc./GMTD BHUJ/2005/108 Dated at Ahmedabad the 05.06.06

Shri C. Suryachandra Rao
Asstt. General Manager [Legal]
O/o Chief General Manager Telecom.,
Andhra Pradesh Circle,
HYDERABAD-500 001.

Sub.: Implementation of judgment dated 30.11.2005 given by Hon'ble CAT
bench at Hyderabad in OA 1498/1997 filed by Shri K. Kondal Rao Vs.
CGMT, Gujarat Circle, CGMT, A.P. Circle and others -Regarding.

Ref.: Your office letter No. TA/LC/12-21/98 dated 07.04.2006

This office letters of even No. Dated 04.05.2006 & 31.05.2006

Kindly refer to above letters on subject. The copy of BSNL/HQ New
Delhi letter No. 4-9/2006-PAT(B) dated 01.05.2006 has been forwarded to
your office, vide this office letter dated 04.05.2006, to seek three months time
extension beyond 10.03.2006 from the Hon'ble Tribunal, Hyderabad for
disposing off the representation of the applicant.

In this connection, it is requested to take necessary action, to seek for
further three month's time extension, beyond 10.06.2006 from Hon'ble
Tribunal, Hyderabad, as it is likely to take some more time for issuance of
speaking order by CGMT, Gujarat Circle, Ahmedabad.

This is most urgent please.

*AC
To B
JMS G
14/6/06*

Y.K. Pathi
Asstt. General Manager (Legal)
T. 26481402 FAX 26481409

~~NO PTA IS available in
the OA.~~

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL, HYDERABAD

AT HYDERABAD

M.A. No. of 2006

IN

M.A(SR) 1007 of 2006

IN

O.A.NO. 1498 of 1997

Misc / Extension Petition



Filed on: 30-7-2006

Filed by

Mr. Rajeswara Rao
(Counsel for the
petitioners/respondents)

*RJR
member filed
encl*

MA 336/06 in OA 1498/97

ORIGINAL

STATE OF TELECOM

रोड फेस/BENCH CASE

24/08/06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

MA is dismissed
with no cost vide
order on ~~OA 1498/97~~
OA docket sheet

M.A. No. 336 OF 2006

IN W.A.S.R 1007/2006 W

O.A. No. 1498 OF 1997


HGT
H(O)


HBR
H(O)

~~Ex~~ -
Extension of time
for Amended Petition

Mr. _____

COUNSEL FOR THE APPLICANT

AND

Mr. V. Rajendra Prasad

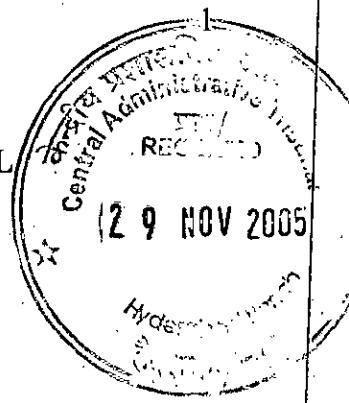
Sr. CGSC/Addl. CGSC/SC for Rlys

AND

Mr. K. Lakshmi Nair (Sister)
Han

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

OA No 1498 of 1997



Between:

K Kondal Rao

Applicant(s)

Vs

1. The Chairman, Telecom Commission, Telecommunications, New Delhi and 4 others.

Respondent(s)

REJOINDER AFFIDAVIT FILED BY THE APPLICANT

I K Kondal Rao, aged 69 years, S/o Sri Sambha Murthy, Occ: Retired SDOT, R/o Hyderabad do hereby sincerely and solemnly state on oath as under. I have read the counter affidavit filed by the official respondents and give my rejoinder as under.

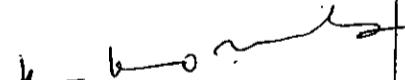
1. I respectfully submit that no revisional order was ever passed by the respondents cancelling their earlier orders of pay fixation done to me on par with Sri Sivashankaran Pillai. I was allowed to retire with the said pay fixation and now in the counter, for the first time, the department has raised the ground that they have compared my pay with my immediate junior Sri Ved Bhushan and accordingly they have fixed my pay. This is wholly illegal and contrary to law. The pay fixation on par with Siva Shankaran Pillai was done in the year 1995 and till date neither I was informed about this so-called Ved Bhushan. I am not aware of any such Ved Bhushan and no seniority list is ever filed and all these contentions are false and are hereby denied. In any case that is not scope of this OA. The only thing, which I have questioned, was regarding the personal Pay paid to me while the same was not done in the case of Sri Siva Shankaran Pillai. Since he was not paid any PP, the department could not have paid me by way of PP. That was only the controversy in this regard and nothing more. The Department did not dispute to that point/issue raised by me and hence on this ground alone MY OA may kindly be allowed with costs. The department cannot be allowed to raise such untenable grounds in the counter affidavit, which the impugned order itself does not speak of. When it is admitted that the said Mr Pillai's pay did not include PP then my salary also should not include any PP and instead my basic must be revised on par with him. There is

no question of comparing my case with the so-called Ved Bhushan. Further no particulars are given about him and in the absence of the same such contentions deserves to be rejected such. IN any case before making such an order no notice was given to me and hence on this ground also the impugned order to the extent of PP requires to be set aside as such and that amount be added to my salary so that I can get revised upward pension as was earned by Sri Pillai and so many other similarly placed persons. Now I am aged person having been retired from service and I did not have any material with me so as to compare all these things. The department having raised such untenable grounds did not choose to file any supporting documents and hence on this ground also My OA may kindly be allowed. Moreover I am an aged person having suffered Paralysis during 2000-2003 and I am not keeping good health. In so far as the contention of multiple relief are concerned it is humbly submitted that these are all consequential reliefs and in any case, the Honble High court has allowed by WP and held that my case be decided on merits. Hence that ground is also untenable.

For the reasons stated above, I humbly pray that this Honble court may be pleased to allow my OA with costs and pass such other orders as are deemed fit and proper in the circumstances of the case.

Hyderabad

28-11-2005


Deponent

THE CENTRAL ADMINISTRATIVE
TRIBUNAL, HYDERABAD

Case No 498/1997



Rejoinder Affidavit

24549001 24549110
DR. K. LAKSHMI NARASIMHA
ADVOCATE P.B.D: (LAW)
H: 16-11-2013, Subzangar-2
Amit T.V. Tower HYD 500 036
E-mail: kln@rediffmail.com

concern for the petitioner



Subjet
Welfare Army v/s
be Army claims
it is unallowable
law

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Hyderabad

OA No. 1498 of 2004/05

Between:

K. Kondu

And

The, Chemu
Tiwari /

..Respondents

Memo of Appearance

Filed for : Respondents

Filed on : 18/11/05

Filed by :

V.Rajeswara Rao, Advocate
Standing counsel for Railways
Standing counsel for BSNL
Addl. CGSC
Hyderabad
Phone No. 23702585

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

AT HYDERABAD

OA. No. 1498 of 2004/05 1997



Between :

K. Kondala Ra

..Applicant

And

The Chairman, Telecom
Commissioner, New Delhi
e-mail

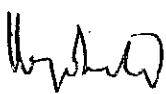
..Respondents

MEMO OF APPEARANCE

I, V.RAJESWARA RAO, having been authorised by the Central Government/ Ministry of Railways(Railway Board)/BSNL/AP Telecom/ authority/Society/Corporation notified under Section 14 of the Administrative Tribunals Act, 1985, hereby appear for Applicant No..... Respondent No.(s) and undertake to plead and act for them in all matters in the aforesaid case.

Place: Hyderabad
Date : 18/11/05

Signature:


V. Rajeswara Rao,
Standing counsel for Railways
Standing counsel for BSNL
Addl.CGSC

Address of the counsel for the service:

V.RAJESWARA RAO
359/C,SR Nagar
Hyderabad- 500038
Phone : 23702585

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD.

O.A. NO. 1498 of 1997

K. Kondal Rao

Applicant(s).

VERSUS

The Chairman, Telecom Commission, New Delhi

vs

(Respondents)

| Date | Office Note | Order |
|----------|-------------|---|
| 10/11/97 | | <p>OA is disposed of with no cost vide orders on separate sheet.</p> <p>To HGSTP M (G)</p> <p>By HHRP M (A)</p> |

... to the amount of Rs. 51175 and direct the
Respondent to fix the salary of the applicant in
line with Sivakumar Pillai without
bifurcating the Pay as Pay + PP and fix
the Pay based on the revised Pay
structure.

APPLICATION UNDER SECTION 19 OF THE CENTRAL ADMINISTRATIVE
TRIBUNAL ACT, 1985 (HYDERABAD BENCH)

O.A. No. 1698 of 1997

Bench

Between

K. Kondal Rao

... Applicant

and

The Chairman, Telecom Commission
Telecommunication, New Delhi
and others.

Telecom

... Respondent

RECEIVED
CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS

9-4-97

page Nos. 3537

Hyderabad Bench

I N D E X

Sl. No. Description of the documents
relied upon

1. Original Application

1 - 9

MATERIAL PAPERS:

| | |
|---|----------|
| 1. A-1. Impugned order Memo. A. 36/pay. filed/Gr. A&B/79, dt. 8.11.95. | 10-11 |
| 2. A-2. Representation dt. 1.12.91. | 12-13 |
| 3. A-3. Representation dt. 26.12.95. | 14-15 |
| 4. A-4. Memo. No. Q.12/18, dt. 30.5.96. | 16 |
| 5. A.5. Memo. Q/12.20/, dt. 3.6.96. | 17 |
| 6. Representation dt. 27.12.96 (A-6). | 18-2^ |
| 7. A-7. Representation dt. 19.3.97. | 21-23 |
| 8. A-8. Memo. No. DMH/AC/E4/CD/96-97/38 dt. 20.2.97. | 24-28.27 |
| 9. A-9. Representation dt. 2.4.97 | 28-30 |
| 10. A-10. No. TAC/BHUJ/PPO/KKR/1030 dt. 13.7.96. | 31-32 |
| 11. A-11. No. C-12/36, dt. 18.2.97. | 33 |
| 12. A-12. D.O. No. Legal/Misc/Corr/46, dt. 19.5.97. | 35 |
| 13. A-13. No. A. 36/Gr. A&B/pay fix/134, Subject Bhuj dt. 4.6.97. | 36 |

Recd
10/10/97
R.Dew
F.N.R.Dew

All the above annexures are true copies of the
originals.

For use in Tribunal office.

Date of filing.

Registration

K. Kondal Rao
Signature of the Applicant.

Signature for Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD.

O.A.No. 1108 of 1997

Between

K. Kondal Rao. ... Applicant

and

The Chairman, Telecom Commission
Telecommunication, New Delhi
and others. ... Respondents

CRONOLOGICAL EVENTS

| Sl.No. | Date | Events | page Nos. |
|--------|----------|--------------------------------|-----------|
| 1. | 8.11.95 | Impugned order. | 1 |
| 2. | 3.6.96 | Memo. No. Q.12/70.dt.3.6.96. | 2 |
| 3. | 31.5.96 | Applicant's retirement letter. | 2 |
| 4. | 20.7.94. | O.A.allowed. | 3 |
| 5. | 19.3.97 | Representation | 4 |
| 6. | 31.1.89. | Applicant was promoted. | 7 |

Signature of the Counsel

(4)

BEFORE THE X CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD

HYDERABAD BENCH

O.A.No. 1198 of 1997

Between

K.Kondala Rao,
s/o.Sambha Murthy,
aged about 52 yrs.
retd. SDOT GDM
H.No.11-9-15/1 Road No.3
Laxminagar, Kothapet,
Hyderabad.

.. Applicant

and

1. The Chairman, Telecom Commission,
Telecommunication, New Delhi.

2. The Chief General Manager,
Telecommunications,
Gujarat Circle,
Ahmedabad.

3. The Telecom Dist. Manager,
Bhuj, Kutch, Gujarat,
Telecommunications.

4. The General Manager,
Telecommunications,
Bhuj, Kutch, Gujarat.

5. The Chief General Manager,
Telecommunications,
A.P.Circle, Hyderabad.

.. Respondents.

DETAILS OF THE APPLICANT:

1. Particulars of Applicat:-

The address for the purpose of all notices
process etc., of the applicants are of their
counsel M/s.K.Lakshmi Narasimha, LL.M. and P.Lakshmana
Rao, Advocate, H.No.16-11-20/13, Saleemnagar-2,
Hyderabad-36.

2. Particulars of the order against which application
is made:-

This O.A. is filed seeking quash the impugned
order No.A.36/Pay Fix/CA.ALB/79, dated 8.11.95 issued
Xpress

by the 3rd respondent regarding pay fixation and Memo. No. Q.12/70, dated 3.6.96 issued by 3rd respondent regarding erroneous pay fixation and consequential recovery orders.

3. Jurisdiction of the Tribunal:-

The applicant declares that the applicant retired from service as Sub Divisional Officer, Telecommunication, Gandhidham, Gujarat w.e.f. 31.5.96. After retirement the applicant is now settled at Hyderabad in Andhra Pradesh State. Therefore in terms of Rule 6 of Central Administrative Tribunal Rule Act, 1985, Sub Section 2, this court has got jurisdiction over the subject matter, because the place of permanent residence of this applicant after retirement is at Hyderabad and therefore CAT, Hyderabad has got jurisdiction over the subject matter.

4. Limitation:-

The applicant retired from service on 31.5.96. Prior to the retirement his pay was fixed as per Memo. No. A.36/Pay Fix/Gr. A&B/79, dated 8.11.95. Aggrieved by that wrong pay fixation the applicant has given a representation on 1.12.95 to the Telecom Dist. Manager, Bhuj. That was followed by representation dated 26.12.95, 27.12.96, 19.3.97 and 2.5.97. Further by Memo. No. Q.12/70, dated 3.6.96.

(A.5) an amount of Rs.9,357/- was deducted from the gratuity amount of the applicant. As against these representations the petitioner has received replies vide Memo.No.Q.12/36, dated 18.2.97, Legal.Misc. Correct/46, dated 19.5.97 and A.36/Group A & B/Pay fix./134, dated 4.6.97 informing the applicant that the matter is under consideration. The cause of action arose 8.11.95 when wrong pay fixation was done and on 3.6.96 when an amount of Rs.9,357/- was recovered. Further till 1997 the matter is under consideration by the department. From June 1996 when the amount was deducted and vide representation dated 27.12.1996 the representation is given * is taken into account and one year 6 months is added as per the Act this O.A. is within limitation.

5. Facts of the case:-

The applicant was working as S.D.O.T. in Gujarat Circle, Telecommunication department. The applicant earlier worked at Indore as Engineer T.C.I.L. during July, 1990 to November, 1992. While working at Indore the applicant filed O.A.No.773/91 before CAT, Jabalpur Bench seeking promotion as TES.Gr.B. officer in terms of para 206 of P & T Manual. Following a number of cases throughout India that O.A. was allowed on 20.7.94. directing the respondents to promote the applicant on par with his junior and fix the present pay accordingly. Later the applicant

was transferred to Gujarat circle on 31.10.94.

In terms of the above judgment vide Memo.No.A.36/Pay.fix/Gr.A&B/74,dated 8.11.95 (A.I) that was wrong fixation of pay upon par with K.Sivasankaran Pillai and arrears were not fully paid. The applicant retired on 31.5.96. (A.III). Aggrieved by that Memo. the applicant gave representation on 1.12.95 (A.II) and 25.12.95. Later vide Impugned Memo. Q.12/20,dated 3.6.96 (A.V) gratuity was released to the applicant amounting to Rs.90,823/- out of this an amount of Rs.9,352/- was deducted as over payment of pay and allowance. No reasons has been given by the department as to how such an amount was outstanding to the debt of this applicant. Aggrieved by such wrong fixation, the applicant gave a representation dated 27.12.96 (A.VI). Later he has given representation on 19.3.97 (A.VII) and also enclosed orders pertaining to one Mr.A.R.K.Prasada Rao, who's pay was fixed correctly. (A.VIII). No action was taken. Another representation dated 2.4.97 was given (A.IX) The applicant received 3 communications from the department dated 18.2.97, from Telecom Dist.Manager, Bhuj (A.10). In all these replies it is stated by the department that the matter is under consideration. They have asked applicant to supply the copy of the judgment which was supplied to them by the applicant. Despite this, no action is taken by the department. Further the applicant

pension was fixed on the basis of old pay without taking into the account revised pay fixation as ordered by the CAT, Jabalpur. Aggrieved such action this O.A. is filed questioning the action of the respondents as illegal, arbitrary and unconstitutional on the following grounds.

6. Grounds for relief with legal provisions:-

(1) In the impugned order of pay fixation dated 8.11.95 ~~to~~ of the applicant pay was fixed as pay + personal pay amounting to Rs.3125/- It is respectfully submitted that in the case of Sivasankaran Pillai no such personal pay was fixed. Therefore the question of deviding the pay as pay + PP is wholly contrary to law and illegal. If the PP is not there his pay would have been Rs.3400/- instead of Rs.3125/-. Therefore the impugned order dated 8.11.95 fixing his pay as pay + PP is illegal, arbitrary and contrary to law. Further in the Fundamental Rules PP. is separately treated warranting certain free conditions. No such conditions existance in the present case so as to treat a particular portion of the salary as PP. Further in the case of Sivasankaran Pillai at the time of his promotion in 1979 no PP was given to him. Only in order to circumvent the order of court, this impugned proceedings are issued. Therefore bad in law.

(ii) In the impugned order dated 3.6.96 an amount of Rs.9,357/- was recovered as over payment of pay and allowance, from the gratuity. No notice is given to the applicant earlier and no reasons are given how this over payment has occurred. This is highly arbitrary and therefore the recovery of this amount from the impugned order dated 3.6.96 is wholly arbitrary and violative of principles of natural justice and should be quashed and the amount to be refounded.

(iii). Vide pension payment order No. TAL/BHUJ/ PPO/KKR/1030, dated 13.7.96 the pension of the applicant is fixed taking the old basic pay of the applicant has to be enhanced on the par with the Sivasankaran Pillai, and based upon such refixation the payment of pension must be calculated on such revised basic pay. But unfortunately it was not done and the old pay without taking account the enhanced pay was made the basic pay of fixing the petition. Hence this is arbitrary and bad in law.

7. Matters not previously filed or pending with any other court:-

The applicant further declare that the matter regarding which this application has been made is not pending before any other court of law or any other authority or any other bench of the Tribunal.

8. Details of the remedies exhausted:-

The applicants humbly submit that there is no remedy is provided for under the rules and hence no alternative but to approach this Court.

9. Relief Sought:-

In view of the facts mentioned in para 5 above, the applicants pray that this Hon'ble Court may be pleased to call for the records pertaining to the impugned Memo. No.A.36/Pay fix/Gr.A&B/79, dated 8.11.95 and quash the same as illegal, arbitrary and unconstitutional and consequently direct the respondents to refix the salary of the applicant on par with Sivasankaran Pillai without bifarcating the pay as Pay + PP with all consequential benefits and consequently quash the recovery of an amount of Rs. 9,357/- vide impugned Memo. No.Q.12/20, dated 3.6.96 and direct the respondents to refund this amount to the applicant and consequently quash the pension payment order No.TAL/BHJJ/PPO/KKR/1030, dated 13.7.96 as illegal, arbitrary and consequently direct the respondents to refix the pension based on the revised pay structure and payment of arrears of pay from actual date of promotion ie., 31.1.89 with all consequential benefit ie., arrears arising out of such ~~et~~ calculation and pay interest to the applicant and pass such other order or orders as deem fit and proper in the circumstances of the case.

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10. Interim Relief:-

Pending disposal of the main O.A. the applicant humbly pray that this Hon'ble Court may be pleased to call for the records pertaining to the impugned Memo. No. A. 36/Pay fix/Gr. A&B/79, dated 8.11.95 and quash the same as illegal, arbitrary and unconstitutional and consequently direct the respondents to refix the salary of the applicant on par with Sivasankaran Pillai without bifarcating the pay as Pay + PP with all consequential benefits and consequently quash the recovery of an amount of Rs. 9,357/- vide impugned Memo. No. Q.12/20, dated 3.6.96 and direct the respondents to refund this amount to the applicant and consequently quash the pension payment order No. TAL/BHUJ/PPO/ KKR/1030, dated 13.7.1996 as illegal, arbitrary and consequently direct the respondents to refix the pension based on the revised pay structure and payment of arrears of pay from actual date of promotion i.e., 31.1.89 with all consequential benefit i.e., arrears arising out of such calculation and pay interest to the applicant and pass such other order or orders as deem fit and proper in the circumstances of the case.

11. Particulars of postal orders in respect of application fees:-

1. Number of the IPC. 812687198/81/
2. Name of the Issuing post office. Hirschau Po

16.50/- A
D.O.D.C.D. Ramu

(12)
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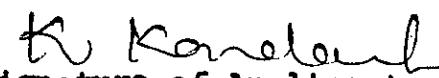
3. Date of issue of postal order. 31-10-1997
4. Post office at which payable. Hyd/-

12. List of enclosures:-

1. Material papers.
2. Vakalat.
3. Rule Nisi covers and pads.
4. Postal order for Rs.

VERIFICATION

I, K. Kondala Rao, son of Sambha Mughthy, aged about 52 years, retired Sub Divisional Officer, Telecommunication, r/o H.No.11-9-15/1, Road No.3, Laxminagar, Kothapet, Hyderabad, do hereby verify that contents of paras 1 to 12 are true to my personal knowledge and believed to be true and legal advice and that we have not suppressed any material facts.


Signature of Applicant.

~~Counsel for Applicant.~~

Dt. 21.10.97

11
:: 10 ::

Annexure- I

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE TELECOM DISTRICT MANAGER BHUJ (KUTCH).

Memo. No. A. 36 / Pay fix / Gr. A & B / 79, dated at Bhuj the 8.11.95

Sub:- Stepping up of pay of TEs Gr. B officer as per the judgment of the Hon'ble CAT-Jabalpur.

...

In pursuance with the orders contained in the CGMT-M.P. Circle, Bhopal letter No. LC-03-01/243, dated 6.11.95 read with the approval of Chief G.M. Telecom, Ahmedabad communicated vide letter No. Legal/Misc./ Corr/195, dated at AM. the 08/11/95 the approval of the T.D.M., Bhuj Kutch is hereby conveyed for the stepping up of pay of Shri K. Kondal Rao, SDOT-Ganchidham at par with that of Shri Shivasankar Pillai, A.E., % TDM Alloppy with effect from the date of actually worked on the post of A.E. (ie., 31.1.89).

The stepping up of pay of the officer is provisional and subject to revision after examination of his case with reference to his immediate junior.

PARTICULARS OF PAY

Shri. Shivasankar Pillai
A.E.% TDM Alleppy

Shri K. Konda Rao
SDOT-GDM. (TDM-Bhuj).

| <u>Date</u> | <u>pay</u> | <u>Date</u> | <u>pay</u> | <u>Date</u> | <u>pay</u> |
|-------------|------------|-------------|------------|-------------|------------|
| 31.1.89 | 2675/- | 31.1.89 | 2300/- | 31.1.89 | 2675/- |
| 01-4-89 | 2750/- | -- | -- | 1.4.89 | 2750/- |
| -- | --- | 1.12.89 | 2375/- | -- | -- |
| 1.4.90 | 2825/- | -- | -- | 1.4.90 | 2825/- |

[Signature]

C 14

.. 11 ..

| 1 | 2 | | | | |
|--------|---------------------|---------|--------|-----------|----------------------|
| 1.4.91 | 2900/- | 1.12.91 | 2525/- | 1.4.91. | 2900/- |
| 1-4-92 | 2975/- | -- | -- | 1.4.92 | 2975/- |
| -- | -- | 1.12.92 | 2600/- | -- | -- |
| 1.4.93 | 3050/- | -- | -- | 1.4.93 | 3050/- |
| -- | -- | 1-12-93 | 2675/- | -- | -- |
| 1.4.94 | 3125/- | -- | -- | 1.4.94 | (3125/-) (Pay+PP) |
| 5-7-94 | 3125/- (Pay +PP) | 5-7-94 | 2675/- | 5-7-94 | (2125/-) |
| | | 1-12-94 | 2750/- | 1.7.95 | Pay + PP |
| | | | | -- | (3125/-) Pay + PP |
| | | | | 1-4-95 | (3125/-) + PP |
| | | | | with | DNI 1st April |
| | | | | unless | otherwise |
| | | | | effected. | |

NOTE:-

1. The P.P. with effect from 5.7.94 to be observed in future increments.
2. The pay of Shri Shivshanker Pillai w.e.f. 5.7.94 (Pay + PP.) are not available.

Sd/-
M. H. Khan
Telecom District Manager,
Bhuj-(Kutch) 370 001.

Copy to:-

1. The officer concerned.
2. The salary section/pre-checker, % TDM-Bhuj (Kutch).
3. The A.O. TA. % TDM-Bhuj.
4. The CGMT-AM w.r. to his letter No. Legal/Misc/Corr/95 dated 8.11.95 for kind information and N/A.
5. The O.A. (cash) W.T.R. Navarangpura, Ahmedabad-6 for information & N/A.
6. The O.A. (PRG), TCIL, New Delhi-10.

//true copy//

AKW

15
:: 12 ::

Annexure- II

From K.Kondal Rao,
S.D.O.T.,
Gandhidham.

Dt.1.12.91

To,
The Telecom District Manager,
Bhuj Telecom District,
Bhuj (Kutch) 370 001.

Sub:- Stepping up of pay of K.Kondal Rao, SDOT-GDM as per judgment of Hon'ble CAT.Jabalpur wrong fixation of pay and partial payment of arrears partial implementation of judgment due to non payment of interest of 12% -Reg.

Ref:-1. TDM-Bhuj Mem No.A-36/pay fix/Grp. A&B/79
dated 8.11.95.
2. My representation dated 16.11.95.

...

Kindly refer to your memo cited under reference wherein my pay has been stepping up on 8.11.95 at par with Shir. K.Sivashankar Pillai.SDE. % TDM-Alappay. But the arrears due to difference of pay were not fully paid. The difference of pay for the following periods are not yet settled and paid. The details are as under:-

| 1. Period | Pay drawing authority |
|-------------------------|--|
| 1. 31.1.89 to 26-10-89 | Director (Mtce) Western Telecom Region, Navrangpura, Ahmedabad-9. |
| 2. 27-10-89 to 26-10-94 | Chairman & Managing Dire, TCIL 3rd Floor, Nehru place, New Delhi.19, Fax-011-6435398. |

Inspite of my representation cited under ref.2. no action has been taken so far for payment of arrears.

II. In respect of fixation of pay, the pay of Shri. K.Sivashankar Pillai.SDE w.e.f. 5-7-94 was shown as Rs.3125/- (Pay + PP) and consequently my pay was shown as Rs.3125/- (Pay + PP) . But there

JKL

:: 13 ::

is no PP being drawn by Shir K. Shivshankar Pillai which may please be got verified from % TDM-Alappey. I am enclosing herewith a serox copy of his pay slip for the month of Feb.95 which clearly shows non existence of my such PP. As such the fixation done in my case is incorrect which may kindly be got correct and a revised memo may please be issued.

III. The Hon'ble CAT, Jabalpur in their judgment dated 20.7.94 at para 3 have directed department to pay interest @ 12% to the applicants as the months due to them if their claim are not settled within 3 months from the date of communication of interest was paid to me against partial payment made to me on 8.11.95. As such, this interest amount due to me may please be paid as other applicants were already paid.

You are further requested to take suitable action at your end for payment of arrears due from other sections as stated in para 1, including interest @ 12%.

Thanking you very much.

Yours faithfully,
Sd/-
K. Kondal Rao.

Copy to:-

1. The Chief G.M. Telecom Gujarat Telecom Circle, Ahmedabad-1.
2. Through proper channel.
2. Direct copy to CGMT-AM. for same delay.
3. CGM (Telecom), Madhya Pradesh Circle, Bhopal.

Direct to same delay, This is w.r.t. their letter No. LC-03-01-243 dated 6-11-85.

//true copy //



17
:: 14 ::

Annexure- III

From
K.Kondala Rao,
S.D.O.Telemc,
Gandhidham (K)

Dt.26th Dec.1995

To
The Telecom Dist. Manager,
Bhuj (Kachchh)

Sir,

Sub:- Stepping up of pay K.Kondala Rao, SDO Telegraph, Gandhidham as per judgment of Hon'ble CAT.Jabalpur - wrong fixation- Partial implementation of judgment and non-payment of complete amount due No action taken ispite of reminders-Reg.

Ref:-TDM Bhuj Memo.No.A-36/pay fix/Gr.A&B/79,
dated 8.11.95.

2. My representation dated 16.11.95.
-- do. -- 1.12.95.

...

Kindly refer to your memo cited under ref.1 wherein my pay has been stepped up on 8.11.95 consequent on implementation of judgment of Hon'ble CAT.Jabalpur.

But I beg to state that the judgment was not fully implemented. The fixation of pay was not correctly done. These facts have been brought to your kind notice vide my representation cited under ref.2 and 3. But no remedical action was taken so far.

My junior Sri K.Sivasankharan Pillai was promoted to TES Gr.B vide memo No.233/6/79-STG II dated 18.4.79, and consequently I must be given notional promotion w.e.f. 18.4.79 till my regular promotion which was from 31.1.89 and pay is to be fixed w.e.f.18.4.79 in TES Gr.B scale on notional basis. Now this was not done in my case due to which

AKL

:: 15 ::

I am put to loss. I would like to state that O.A. Telephone Dist. Indore (MP) has correctly fixed as per above said guidelines in respect of Sri C.T. Utmani SDOP (R) 1 MP circle Indore who is also an applicant in the above 8-11-95. As such, I request that my pay may correctly be refixed. The xerox copies of memo of Directorate New Delhi and pay fixation memo of CT Utmani SDOP Indore are enclosed herewith for information please.

I would also like to state that there is no element of personal pay (PP) being drawn by K. Sivasankaran Pillai, the proof of which was submitted through his pay slip for the month of Feb. 95. As such this PP may be got removed and correct basic pay may be fixed.

As per my representation dated 1.12.95, the balance payments due from other units may please be got paid. Also the interest @ 12% which is due to me as per CAT judgment may please be paid at an early date.

I once again request that an early action may kindly be taken in settling my case for which I will be greatful to you sir.

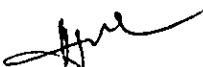
Yours faithfully,
Sd/-

Copy to:-

K. Kondala Rao.
S.D.O. Telcom.

1. The Chief General Manager TeGendhidham (K) Telecom, Guj, circle, Ahmedabad.
(through proper channel).
2. Director to CGM Ahmedabad to save delay.
3. Chief General Manager, MP circle, Bhopal, this is w.r. to their letter No. LC-03-01/243, dt. 6.11.95.

//true copy //



16

Annexure- IV

Department of Telecommunication

Office of the Telecom District Manager Bhuj, Kachchh.

Memo. No. Q.12/18 Dated at Bhuj the 30.5.96.

The Chief G.M.T. Ahmedabad-1 is pleased to permit Shir K. Kondal Rao, S.D.O.T. Gandhidham in anticipation of approval from D.O.T.N.D. to retire on superannuation w.e.f. 31.5.96 A/N vide his letter No. Staff.13-1/Retirement/95/34 dtd. 30.5.96.

Sd/-
Telecom District Manager.
Bhuj-Kachchh.

Copy to:-

1. The Chief G.M.T. Ahmedabad-1 w.r.t. letter cited above.
2. The D.E. (Rural) Gandhidham with One spare copy of Sri. K. Kondal Rao, he is requested to relieve the officer from the charge of S.D.O.T. Gandhidham on 31.5.96 A/N and necessary charge report may be sent to this office and all concerned.
3. The A.C.A.C. (cash)/A.C. (TA)/Prechecker % TDM BHUJ
4. E.12/B/Officers file.

Sd/-
D.E. (adm)

% Telecom Dist. Manager,

Bhuj-Kachchh.

To.

End. NOI DE/RSGDM/T.1/96-97, dt. 31.5.96.

Copy K.K.Rao, for Information and A/A. pl.
Gandhidham.

Sd/-
D.E. (rural) GDM
Bhuj Telecom
Gandhidham. K.

//true copy//



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:: 17 ::

Annexure- V

Department of Telecommunication

Office of the Telecom District Manager Bhuj-Kachchh.

Memo. No. Q.12/20 Dated Bhuj the 3.6.96.

Sanction of the Telecom District Manager Bhuj is hereby conveyed for the payment of provisional Retirement Gratuity under Rule 64 of the C.C.S. (pension) Rules, 1972 for Rs.90,823/- (Ninty Thousand Night Hundred Twenty Three) only to Hir K.K.Rao, Ex. SDOT.Gandhidham who retired on 31.5.96 A/N.

The amount is debit able to 3225 H/4 retirement gratuity.

The following amount out standing is against the officer are to be adjusted form the Provisional Retirement Gratuity.

1. H.B.A.Principal Rs. 3548/- 7610 loan and Adv.
2. Interest on H.A.Rs.29,526/- 9049 Intt. Receipt.
3. Over payment of Pay and All. Rs.9,357/- 3225 A(1) (2) (3) Salary
4. Out standing balance of LTC. 381/- 3225 A1 (2) (3) salary L

42,812/-

Retirement Gratuity Rs. 90, 823/-
Loan O/s. 42,812/-

48, 011/-

Sd/-
D.E. (Admn)
% T.D.M. BHUJ Kachchh.

To.
Sri. K. K. Rao, Ex. SDOT.Gandhidham.

//true copy //



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:: 18 ::

Annexure- VI

(By Regd.AD)

From

K. Kondal Rao (Staff No. 9519)
Retd. S.D.O.T. Gandhidham
H.No.11-9.15/1, Road No.3,
Lakshmi Nagar, Kothapet X Roads,
Hyderabad.

To

The Chief General Manager,
Telecommunications,
Gujarat Circle,
Ahmedabad-1.

Respected Sir,

Sub:- Refixation of my pay as per CAT Judgment
and draw of arrears of pay and allowances-
Reg.

Ref:- CAT N Jabalpur, Indore Bench judgment under
OA. No. 773/91 and subsequent contempt petition.

The following few lines are brought to your
kind notice for necessary action regarding my pay fixation
in Rule 206 case arising out of CAT Jabalpur, Indore
bench judgment referred to above.

I retired as S.D.O.T. Gandhidham in Gujarat
circle, on 31.5.1996 on superannuation.

This is to state that I am one of the petitioners
in the CAT case referred above, as I was working
A.E. in TCIL at Indore on deputation from DOT at the
time of filing the case in the CAT.

With reference to the judgment cited above my
pay is to be refixed with respect of my junior Sri
K. Shiva Shankaran Pillai of Kerala Telecom Circle w.e.f.
18.4.79 notionally and payment of arrears to be made
from the date of assumption of the promotional post of



(22)
:: 19 ::

S.D.E i.e., 31.1.89 as per the decision of the CAT and also the Supreme Court.

In this connection I may state that my pay was wrongly fixed by T.D.M. Bhuj vide his pay fixation memo (8.11.95) No.A 56/Pay fix/Gr.A & B /79 dated 8.11.95 (copy enclosed). An amount of Rs.6,319/- was paid to me being the arrears of pay & D.A. on 8.11.95.

Later on when I retired on superannuation on 31.5.96 the amount of Rs.9,357/- was recovered from my DCRC towards over payment of pay and allowance by T.D.M. Bhuj for reasons not intimated to me (copy of DCRG enclosed).

My other colleagues who were also the petitioners in the above mentioned O.A. working at Indore have been paid arrears of pay & D.A. after due pay fixation as directed by the C.A.T. The payment was made as per the decision of the CGM(T) Bhopal (copy of one of the pay fixation orders in respect of Sri C.T.Utmani S.D.O.P. (Rural) Indore is enclosed herewith for reference).

The periods for which I am entitled for drawal of arrears and the organisations in which I worked are as follows:-

1. 31.1.89 to 26.10.89 Under W.T.R. Bombay
2. 27.10.89 to 26.10.94 T.C.I.L. New Delhi -19 (on deputation).
3. 27.10.94 to 31.5.96 Gujarat Telecom Circle



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:: 20 ::

In the light of the above submission I request you to kindly refix my pay notionally w.e.f. 18.4.79 (the date of the promotion of Sri K. S. Shivashankaran Pillai to T.E.S.Gr.B) and draw arrears of pay & D.A. w.e.f. 31.1.89 (the date of my promotion to T.E.S.Gr.B) as was done in M.P. Telecom Circle.

In this connection I enclose herewith copies of my representations dated 1.12.95 and 26.12.95 submitted to ExG C.M.T. Ahmedabad through T.D.M. Bhuj for reference.

Since this is a long delayed case, I request you to do the needful early to redress my grievance, otherwise I will be compelled to move a contempt petition in CAT. Ahmedabad for justice.

Thanking your Sir,

Station: Hyderabad.

Yours faithfully,

Sd/-

Date. 27.12.96

(K. Kondal Rao)

Copy to:-

1. Telecom Dist. Manager, Bhuj (By Regd. AD)
2. C.G.M. Telecom Bhopal (By Regd. AD)
3. Chairman, Telecom Commission, STG II Section
Sanchay Bhawan, 20, Ashok Road, New Delhi-110 001.
(By Regd. AD).

//true copy //



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Annexure- VII

BY REGD. POST WITH ACK. DUE

Dt.19.3.97

From

K. Kondal Rao,
Retd. S.D.O.T. GDM
H.No.11-9-15/1,
Road No.3 Lakshminagar, Kotnepet,
Hyderabad. 35.

To

The Chief General Manager,
Telecommunications,
Gujarat Circle,
Ahmedabad.
Ahmadabad-1.

Respected Sir,

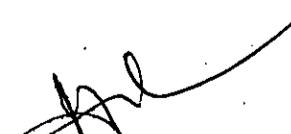
"ub:-Stapping up of pay on par with
immediate junior Non implementation
of judgment of C.A.T.Jabalpur-Reg.

Ref:-1. My representation d.27.12.1996
2. My representation dt ~~xx~~ 14.2.1997
3. T.D. M.Bhuj Lr.No.12/36, dated at
Bhuj the 18.2.97.

...

I would like to draw the kind attention of
Hon'ble C.G.M. (T) Ahmedabad to my representations
cited under reference 1 and 2 and to T.D.Bhuj letter
cited under reference 3 regarding non implementation
of the judgment of C.A.T.Jabalpur to step up my pay on par
with my immediate junior. Though nearly 3 months elapsed
since submission of my representation no tangible
action has been taken so far to make payment.

I would like to submit further that A.P.Telcom
has implemented similar judgment to their 75 officers
recently vide letter No.TA/STA/70/4/XXIX dated 25.2.97



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(copy enclosed) and their pay were suitably stepped up on par with K. Sivasankaran Pillai and others who were junior to them. I am submitting herewith the fixation memos of two officers as an example in which one was senior and other was junior to me, for information.

The fixation of my pay also must be done on similar lines. I would like to add that the both officers as referred by me are also retired officers and their pension and gratuity were also paid on revised scale. I am furnishing below the comparative details of the said officers for information to facilitate fixation of my pay.

| Sl.No. | Name of the Officer. | Staff No. | Seniority as per Blue book dt.15.1.93 | Remarks |
|--------|--|-----------|---------------------------------------|---|
| 1. | C. S. N. Prasad | 7322 | 4338 | Pay fixed at Rs.3,400/- as on 1.4.95. Retired. |
| 2. | K. Konda Rao | 9519 | 5676 | |
| 3. | B. V. Subbaiah Asst. Dir. % CGM (T) Hyd. | 9530 | 5687 | Pay fixed at Rs.3,400/- as on 1.4.96 vide CGM Hd. No. TA/LC/5-90/95 dt. 26.12.96. |
| 4. | A. R. E. Prasada Rao | 9542 | 5774 | Pay fixed at Rs.3,300/- as on 1.4.95 . Retired. |
| 5. | K. Sivasankaran Pillai | 4152 | 5848 | Claiming pay on par with him |



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:: 23 ::

In view of the above said facts I beg to submit that the orders contained in T.D.M. Bhuj Memo. No. A36/Pay fil Grp. A & B/79 dated 8.11.1995 may kindly be got implemented immediately and my pay may be correctly fixed at Rs. 3,400/- as on 1.4.1996.

I once again request that urgent action may kindly be taken so that the need for intervention of C.A.T. again should not arise.

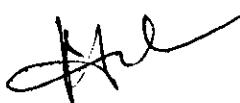
Yours faithfully,

Place Hyderabad. (K. Kondala Rao)

Dated 19.3.1997

Copy to: Telecom Dist. Manager, Bhuj.

//true copy//



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:: 28 ::

Annexure- VIII

DEPARTMENT OF TELECOM

% The Director Mtc. STSR. Hyderabad.

NO. DMH/AC/E4/ECDE /96-97/38 Dt. 20.2.97

Sub:- Revised fixation of pay in TES Gr. B.
case of Sri A.R.K. Prasad Rao retired SDE, FC.
HD (retired on 30.6.95).

Ref:-CAT Hyd. judgment in OA. No. 160/92 CP.
No. 3879/96, dt. 6.12.96 and CGMT. A.P. Circle,
HDLR. No. TA/LC/5-8/92-III, dt. 13.2.97.
CGMM MS lr. No. CGM/VO/X-12/A pension /2
dt. 18.2.97.

...

In accordance with the orders contained in CAT HD
above judgment in % Sri A.R.K. Prasad Rao, retired
SDE. FC. HD the pay of the officer has been stepped up
notionally from the date of the Junior Sri. Sivasankara
Pillai regularly promoted to TE^S Gr. B i.e., w.e.f.
18.4.1979, as follows.

Pay scale of AE. 650-30-740-35-810-EB -35-280-40-

1000-EB-40-1200.

| 1. Sri A.R.K. Prasad Rao. Pay as JE Actual pay fixation in AE's scale | Junior name and date of promotion |
|---|-----------------------------------|
| Rs. 530/- | 18-4-79 |
| 650/- | 1.4.80 |
| 680/- | 1.4.81 |
| 710/- | 1.4.82 |
| 740/- | 1.4.83 |
| 775/- | 1.4.84 |
| 810/- | 1.4.85 |
| 845/- | 1.1.86 |
| 845/- | 1.1.86 |

[Signature]

25

:: 25 ::

2500-60-2300-EB-75-3200-100-3500.

| | | |
|-------------------|--------|-------------------|
| Option wef 1.4.86 | 2600/- | (880/- old scale) |
| 1. 14.87 | 2675/- | |
| 1.4.88 | 2750/- | |
| 1.4.89 | 2825/- | |
| 1.4.90 | 2900/- | |

(on leave upto 6.4.90).

| | |
|--------|--------|
| 1.4.91 | 2975/- |
| 1.4.92 | 3050/- |
| 1.4.93 | 3125/- |
| 1.4.94 | 3200/- |
| 1.4.95 | 3300/- |

to 30.6.95.

Arrears to be drawn wef 1.5.90 ie., from the date of
actual promotion.

Sd/-
Senior Accounts (
Saifabad, Hyderabad.

Copy to: 1. The retired officer.
2. Pay clerk
3. Service book.

//true copy //



22

STATEMENT OF FIXATION OF PAY UNDER CCS (RP) RULES 1986

No. 2041/AS(E)/G/CD/96517/39

Date at HD the 20-2-97

| | | |
|---|---|---|
| 1. Name of the Government Servant | : | Global A.R.K. Prasad Rao |
| 2. Designation of the post in which Pay is to be fixed as on 1-1-86 | : | AE |
| 3. Whether substantive or officiating | : | S&P (Off) |
| 4. Existing scale/scales of the posts (Whether there is more than one scale and the scales are merged in a single revised scale, the particular scale in which the officer was drawing pay should be specified) | : | 650-30-750-35-850-60 135-880-40-1020-50-60 = 1200 |
| 5. Existing emoluments as on 1-1-86 | : | |
| (a) Basic pay (excluding ad hoc increment on account of stagnation on the maximum of the scale). | : | 850/- |
| (b) Special pay under Rule 7(1) (b) | : | |
| (c) D.P., A.D.A., Ad-hoc D.A. (appropriate to basic pay & Special Pay under Rule 7(1) (b) and NPA at the index average 608 (1960=100) | : | DA Ad-hoc DA } 1314.40 |
| (d) Amount of 1st & 2nd Instalment of H.R as admissible on the basic pay, Special pay under Rule 7(1) (b) and NPA. | : | 158.00 |
| Total existing emoluments (a) to (d) | : | 2352.40 |
| 6. 20% of basic pay (Subject to a minimum of Rs. 7.5). | : | 176.00 |
| 7. Total of items (5) and (6) | : | 2528.40 |
| 8. Revised scale corresponding to the existing scale/scales shown against item 4 above | : | 2000-60-2300-EB 75-3200-100-3500 |
| 9. (i) Revised pay as fixed under Sub Rule 1(a) or 1(b) or 1(c) or 1(d) Rule 7 at the stage in the revised scale next above the amount against item 7 above. | : | Rs 2600/- |
| (ii) Special Pay under revised scale, if any (Rule 7(1) (c) refers). | : | — |
| (iii) Revised NPA, if admissible (Rule 7(1) (d) refers). | : | — |
| 10. Revised emoluments (i.e.) total of items 9(i), (ii) and (iii). | : | Rs 2600/- |
| 11. Increase in emoluments (10-5) | : | Rs 247.60 |

22

(2)

12. Revised emoluments to be shown as

- (i) Revised Pay
- (ii) Special Pay Rule 7(1) (c) refers
- (iii) Personal Pay - Note 2 under Rule 7(1) refers
- (iv) Non-practising Allowance - Rule 7(1) (d) refers.

Rs 2600/-

13. (i) Number of increments to be allowed on account of bunching (Note 3 below Rule 7(1)).

(ii) Stepped up Revised Pay.

14. Stepped up Revised Pay under Note below Rule 7(1) (indicate also the name & pay fixed for the junior).

15. (a) Increment allowed under 3rd provision to Rule 8.

(b) Under 4th provision to Rule 8.

16. Amount of Personal Pay (if the revised pay is less than the existing emoluments plus personal Pay, the difference to be allowed as Personal Pay over and above the revised pay (note 5 below 7(1)).

17. Whether the revised pay (in the officiating post) is less than the revised pay in the substantive post vide Rules 7(2).

18. If the answer to item 17 is 'Yes' then (i) final revised pay under Rule 7(2).

19. Date of next increment under Rule 8.

20. (Any other relevant information/remarks.)

Prepared By
(initials)

Copy to : S. B. of the Office

Revenue Office

14/87 to Rs. 2675/-

परिषठ लक्ष्मी अधिकारी

Senior Financial Officer

Government of India

Southern Region

Hyderabad - 5

Andhra Pradesh

Sub Divisional Engineer
Co-axial Mics. (OD)
Hyderabad.

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:: 28 ::

Annexure- IX

BY REGD. POST WITH ACK. DUE

Date. 2.4.97

FROM
K. Konda Rao (Staff No. 9519)
Retd. S.D.O. Telecom, Candhidham,
H.No.11-9-15/1, Road No.3,
Lakshmi Nagar, Kothapet,
Hyderabad-500 035.

To

Sri. G. D. Gaiha,
Deputy Director General (Per)
Dept. of Telecom. Sanchar Bhavan,
New Delhi-1.

Respected Sir,

Sub:- Non implementation of judgment of CAT.
Jabalpur, Indore Bench-Judgment in respect
of para 206 stepping up of pay as per with
Junior-Reg.

Ref:- 1. C.A.T. Jabalpur, Indore Bench judgment
Under O.A. 773/91 and subsequent contempt
petition.

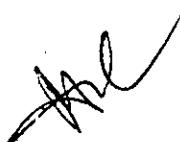
2. My representation dated 27.12.96 addressed
to CGM(T) Gujarat circle, with copies to
Chairman, T.C. Stg.II section, ND and others.

3. My subsequent representation to C.G.M. (T)
Ahmadabad dated 14.2.1997 and 19.3.1997.

...

I beg to submit the following few lines for
your kind information and for an early intervention
to settle my long pending case.

The C.G.M. (T) Gujarat Circle, Ahmadabad has
implemented the above said C.A.T. Judgment as
cited under Ref.1 as per the communication of
C.G.M. (T) M.P. Circle, Bhopal letter No. LC-3-1/243
dated 6.11.95. The stepping up of my pay was done
by T.D.M. Bhuj (Gujarat circle) vide his Memo. No. A.36/pay fix
Grp. A & B /79, dated 8.11.95 (copy enclosed for ready



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:: 27 ::

(32)

reference) but payment was not made for the entire period for which I am entitled to. The fixation was also not correctly one. I represented my case to T.D.M.Bhuj but no action.

Meanwhile I retired from service on superannuation with effect from 31.5.1996. Instead of redressing my case, the T.D.M.Bhuj recovered the entire amount what was paid to me out of implementation of C.A.T. judgment from my DCRG. thereby defied the C.A.T.orders.

In view of the injustice done to me I represented my case to C.G.M. (T) Gujarat circle, Ahmadabad vide my representation cited under Ref.2 with a copy to chairman Telecom commissioner, STG II section and also under Ref.3. Though more than 3 months elapsed since submission of my representation, no action has been taken so far either my C.G.M. (T) Ahmadabad or T.D.M.Bhuj to make payment.

Under these circumstances I am compelled to draw your kind attention to the facts cited above and pray that necessary instructions may kindly be issued to C.G.M. (T) Ahmadabad to refix my pay correctly and to make payment for the entire period to which I am entitled to, thus honouring the C.A.T. judgment, in the case in which the chairman, Telecom Commissioner was also a respondent.

I would like to add further that C.G.M.A.P.Telcom had recently implemented similar judgment of C.A.T. Hyderabad and payments were also made to officials who retired in course of time. Some of the officials were junior to me and these facts were brought to the notice of C.G.M. (T) Ahmadabad.



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:: 28 ::

Hence I once again request you to kindly take early action in the matter for which act of kindness I * will remain ever grateful to you, Sir.

Yours faithfully,

Sd/-

(K. Kondal Rao)
Staff No. 9519

Hyderabad.

Dt. 2.4.1997

Copy submitted to:-

1. The Chief General Manager Telecom (By name) Ahmadabad for information and necessary action please.
2. The Chief General Manager Telecom (By name) M.P. Circle Bhopal. This has a reference to his letter LC-03/01/243 dt. 6.11.95 addressed to C.G.M. (T) Ahmadabad. It is requested that CGM (T) Ahmadabad may be asked to implement CAT Judgment immediately.

//true copy //





(3)

PENSION PAYMENT ORDER

PENSIONER'S / DISBURSER'S PORTION

No. TAC/13/96/1 PPO/KKR/1030
dd. 13-7-96.

Name K. K. Rao

Designation SDOT Gym (Retd.)

A handwritten signature in black ink, appearing to read 'K. K. Rao'.

2. श्री/ब्रीमती

का

32

तक

काप्तान (रुपये मात्र) प्रति मास की दर पर पेंशन/परिवार पेंशन की वस्त्राया
मात्र तथा उस पर मंजूर की गई राहत की राशि की अदायगी भी की।

2. Arrears of pension/family pension at Rs. P.M. (Rupees) per
month) from to plus the admissible dearness relief thereon may
also be paid to Shri/Smt.

हस्ताक्षर

Signature

W. C. Desai
Accounts Officer (T.A.)
o/a. Telecom District Manager
पदनाम : BHUJ-KUTCH 370091
Designation

(पेंशन अदायगी आदेश जारी करने वाले
प्रधिकारी की विशेष मोहर)

(Special Seal of the Pension
Payment Order issuing Authority)

सेवा में

(पेंशन संवितरण अधिकारी, जहां पेंशन अदा की जानी है)

To,

Pension Distributing Authority where pension is to be paid).

The Post master

8th Colony Post Office, HYDERABAD

जो खण्ड लागू न हो उसे कट दें। (Inapplicable clause to be deleted.)

भाग - I — पेंशन प्राप्तकर्ता/मृत सरकारी कर्मचारी की सेवा का व्योरा

PART I — PARTICULARS OF SERVICE OF THE PENSIONER/DECESSED
GOVERNMENT SERVANT

1. सरकारी कर्मचारी का नाम
1. Name of the Government servant.
2. भारत सरकार के अन्तर्गत जिस मंत्रालय/विभाग/
मंत्रालय से सेवा निवृत्त हुए हैं, इसका नाम तथा अन्तर्गत
में धारण किया गया पद/प्रेड/रैंक
2. Post/Grade/Rank last held and the name of
the Ministry/Dept'l. office from which retired
under the Government of India.
3. जन्म तिथि
3. Date of Birth.
4. सरकारी सेवा में शामिल होने की तारीख
4. Date of entry into Government service.
5. सेवा समाप्त होने की तारीख
(सेवा का अन्तिम दिन)
5. Date of ending service
(last day of the service)
6. सेवा में स्वीकार किया गया महत्व, यदि कोई है
6. Details of weightage in service allowed, if any.
7. पेंशन के लिए न ली जाने वाली अर्हक सेवा
7. Period of service not qualifying for pension.

| से From | तक To | अवधि Period | | | कारण Reasons |
|------------|----------|----------------|------------|----------|-----------------|
| | | वर्ष y | महीने m | दिन d | |
| | | | | | — |

8. शिक्षा को कुल अवधि
सर्विस कालम $(5-4) + 6-7$
8. Total length of qualifying
Service Col. $(5-4) + 6-7$

वर्ष Year महीने Months दिन Days

33 (मात्रामुख्य)

महीने की अवधि में सी गई परिस्थितियाँ और से परिस्थितियाँ जो औसत परिस्थितियों की गणना के लिए हिस्ताब दे सकती हैं।
INSTRUMENTS DRAWN DURING 10 MONTH PERIOD AND THOSE RECKONED FOR CALCULATION
OF AVERAGE EMOULMENTS

MOULMENTS DRAWN DURING 10 MONTHS IN 1850 OF AVERAGE EMOULMENTS

10. पेशन के लिए जीसत परिलक्ष्यां

10. Average Emoluments for pension

Rs. १८७९५

ii. परिवार के लिए औत्तर परिवर्त्यिकां

ii. Emoluments for family pension

Rs. NA. 4.22.25

- 12. सेवा निवृत्ति उपदान/नृत्य
उपदान के लिए परिलक्ष्याः

12. Emoluments for retirement
Gratuity/Death Gratuity.

Rs. 22.25

13. सेवा निवृत्ति उपदान/मृत्यु उपदान का मंजुर को गई राशि :

**13. Amount of Retirement
...Gratuity/Death-Gratuity allowed**

2. 1. 91

34
32

Annexure-XII

DEPARTMENT OF TELECOMMUNICATIONS

OFFICE OF THE TELECOM DISTRICT MANAGER BHUJ-KUTCH.

To
Shri.K.Kondala Rao,
Retd. SDOT GDM
H.No.11-9-15/1 Road No.3
Laxminagar, Kothapet,
Hyderabad-500 075.

Q-12/36

Dated at Bhuj the 18.2.97

Sub:- Stepping up of pay onpar with immediate
junior implementation of C.A.T.Jabalpur
judgment regarding.

Ref:-Your representation dtd.14.2.97.

...

Please refer to your representation cited under
reference on the subject addressed to CGMT AM and copy
to this office. In this connection it is intimated
that the stepping up of pay on par with immediate junior
implementation of C.A.T.Jabalpur Judgment is already
under process as per your representation, dtd. 27.12.96.

This is for your kind information pl.

Sd/-
D.E. (A&P)
% Telecom District Manager,
Bhuj-Kutch.

Copyto:-

1. The C.G.M.T.Ahmadabad for information.

//true copy //



33

Annexure - XII

33

K.K.CHATURVEDI
DY.GENERAL MANAGER (A)

Department of Telecom
Chief General Manager,
Gujarat Telecom Circle,
Khanpar, Ahmedabad-380 001.

D.O.No.Legal/Misc/Corr/46

Dtd. at AM the 19-5-97.

Dear Shri Pradip Kumar.

Please refer to your office case Mark
No.A.36/Gr.A & B/Pay fix/121 dtd.28-2-97, in connection
with pay fixation of Shri K.K.Rao, Retd SDE of Bhuj SSA.

All the details in this connection are available
in the relevant file of the case of your office. The
case is relating to the finance for pay fixation. In case
any guidelines in this regard is required by your
office, the same should be obtained from the CAD of this
office.

The copy of representation received from the
retired officers is also enclosed herewith for your
ready reference. You are requested to please ensure that
there is no contempt against CGMT.

With regards,

Yours faithfully,

Sd/-
(K.K.Chaturvedi).

To.

Sri. Pradip Kumar
T.D.M. Bhuj.

Copy to: Shri K.K.Rao, Retd. SDE Telecom Gandhidham
H.No.11-9-15/1, Road No.3, Lakshminagar,
Kothapet, Hyderabad.

Encl: As above.

//true copy //

Ans

39
36
34

Annexure- XIII

DEPARTMENT OF TELECOMMUNICATIONS

From
Telecom District Manager,
Bhuj-Kachchh.

To
Shri. K. Kondala Rao,
Retd. SDOT GDM,
H. No. 11-9-15/1, Road No. 3,
Lakshminagar, Kothapet, Hyderabad.

No. A. 36/Gr.A&B/Pay fix/134/SUBJECT Bhuj the 4.6.97.

Sub:- Refixation of pay as per CAT Jabalpur Judgment
and Drawal of arrears of pay and allowances-Reg.

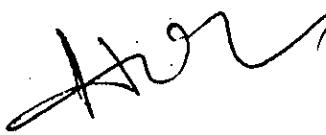
Ref:- Your representation dtd. 19/3/97 and 2.4.97.

...

With reference to your representation cited
above on the subject. In connection, you are requested
to supply a copy of judgment to this office. So
that further action in the case can be taken by this
office.

Sd/-
Telecom District Manager,
Bhuj-Kachchh.

//true copy//



CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

~~A.C.A./C.A. No.~~

~~ORIGINAL APPLICATION NO.~~

1498

OF 1997

~~TRANSFER APPLICATION NO.~~

OLD PETITION NO

CERTIFICATE

Certified that no further action is required to be taken
and the case is fit for consignment to the Record Room (Decided)

Dated: 13/11/97

Counter Signed.
Section Officer/Court Officer.

L
Signature of the Dealing
Assistant

PvM

14
He

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1498/97

Date of Order : 10.11.97

BETWEEN :

K.Kondala Rao

.. Applicant.

AND

1. The Chairman, Telecom Commission, Telecommunication, New Delhi.
2. The Chief General Manager, Telecommunications, Gujarat Circle, Ahmedabad.
3. The Telecom Dist. Manager, Bhuj, Kutch, Gujarat, Telecommunications.
4. The General Manager, Telecommunications, Bhuj, Kutch, Gujarat.
5. The Chief General Manager, Telecommunications, A.P.Circle, Hyderabad.

.. Respondents.

Counsel for the Applicant

.. Mr. K.Lakshmi Narasimha

Counsel for the Respondents

.. Mr. K.Bhaskara Rao

COKAM:

HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUD L.)

O R D E R

X As per Hon'ble Shri H.Rajendra Prasad, Member (Admn.) X

Mr. K.Lakshmi Narasimha, learned counsel for the applicant and Mr. K.Bhaskara Rao, learned counsel for the respondents.

Mr. *Jai/*

2. This O.A. suffers from the handicap of multiple reliefs. 12 separate reliefs have been asked for and not all of them are consequential to one another. The same 12 reliefs are repeated under the heading 'interim relief.' This cannot be accepted. The O.A. ^{be} ~~cannot~~ admitted on account of the above defects.

3. The O.A. is disposed of. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

Amulya

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal
हैदराबाद आयपीठ
HYDERABAD BENCH

M. 21. 6. 1981

O.A. 1498/97.

To

1. The Chairman, Telecom Commission, Telecommunication, New Delhi.
2. The Chief General Manager, Telecommunications, Gujarat Circle, Ahmedabad.
3. The Telecom Dist. Manager, Bhuj, Kutch, Gujarat, Telecommunications.
4. The General Manager, Telecommunications, Bhuj, Kutch, Gujarat.
5. The Chief General Manager, Telecommunications, A.P. Circle, Hyderabad.
6. One copy to Mr. K. Lakshminarasimha, Advocate, CAT. Hyd.
7. One copy to Mr. K. Bhaskar Rao, Addl. CGSC. CAT. Hyd.
8. One spare copy.
9. One copy to ~~Mr. K. Bhaskar Rao~~ M(4)CAT. Hyd.
10. One copy to D.R. (A) CAT. Hyd.
- ~~11. One spare copy.~~

pvm

18/11/97
I Court.

TYPED BY:

CHECKED BY:

COMPARED BY:

APPROVED BY:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE.
VICE-CHAIRMAN

And

THE HON'BLE MR. H. RAJENDRA PRASAD : M(A)
The Hon'ble Mr. B. S. Tejaramsami (M.G.)

DATED:- 10/11/97

ORDER/JUDGMENT.

M.A., / RA., / C-A. NO. .

in

O.A. No. 1498/97.

T.A. No.

(W.P.)

Admitted and Interim directions issued.

Allowed

Disposed of with Directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No order as to costs.

केन्द्रीय प्रशासनिक विधिकरण
Central Administrative Tribunal
DESPATCH

17 NOV 1997

हैदराबाद न्यायपीठ
HYDERABAD BENCH

.. 2 ..

2. This O.A. suffers from the handicap of multiple reliefs. 12 separate reliefs have been asked for and not all of them are consequential to one another. The same 12 reliefs are repeated under the heading 'interim relief.' This cannot be accepted. The O.A. ~~cannot be~~ admitted on account of the above defects.

3. The O.A. is disposed of. No costs.

प्रमाणित ज्ञात
CERTIFIED TO BE TRUE COPY

Amulya

कानूनी अधिकारी उप रजिस्ट्रार (न्यायिक)
Court Officer/Dy. Registrar
केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal
हैदराबाद अधिकारी
HYDERABAD BENCH

| | |
|--|----------|
| केस नंबर | 1498/97 |
| CASE NUMBER | 1498/97 |
| जिर्जन का तारीख | |
| Date of Judgement | 10-11-97 |
| ज्ञात सम्यात किया गया दिन | |
| Copy Made Ready on | 10-11-97 |
| <i>[Signature]</i> | |
| अनुभाग अधिकारी (न्यायिक) उप रजिस्ट्रार (न्यायिक) | |
| Section Officer (J) / Dy. Registrar (J) | |

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1498/97

Date of Order : 10.11.97

BETWEEN :

K. Kondala Rao

.. Applicant.

AND

1. The Chairman, Telecom Commission, Telecommunication, New Delhi.
2. The Chief General Manager, Telecommunications, Gujarat Circle, Ahmedabad.
3. The Telecom Dist. Manager, Bhuj, Kutch, Gujarat, Telecommunications.
4. The General Manager, Telecommunications, Bhuj, Kutch, Gujarat.
5. The Chief General Manager, Telecommunications, A.P. Circle, Hyderabad.



.. Respondents.

Counsel for the Applicant

.. Mr. Lakshmi Narasimha

Counsel for the Respondents

.. Mr. K. Bhaskara Rao

COURT:

HON'BLE SHRI H. RAJENDRA PRASAD : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUD. L.)

O R D E R

X As per Hon'ble Shri H. Rajendra Prasad, Member (Admn.) X

Mr. K. Lakshmi Narasimha, learned counsel for the applicant and Mr. K. Bhaskara Rao, learned counsel for the respondents.

Ch. 14/97 *for*

THE HON'BLE MRS JUSTICE T.MEENA KUMARI
and
THE HON'BLE MR JUSTICE P. LAKSHMANA REDDY

WRIT PETITION NO : 3750 of 1998

JUDGMENT: (Per the Honourable Smt. Justice T.Meenakumari)

Heard both the counsel appearing on behalf of the parties.

This Writ Petition is filed questioning the order, dated 10.11.1997 in O.A.No.1498 of 1997 on the file of the Central Administrative Tribunal, Hyderabad dismissing the O.A. at the admission stage, as illegal and arbitrary.

The learned counsel for the petitioner contended that as the petitioner was not granted 12 different reliefs as contemplated under the Rules, he was bound to file O.A. seeking relief and the same was rejected on untenable grounds.

The learned counsel appearing on behalf of the respondents while supporting the impugned order, sought for dismissal of the writ petition.

As seen from the record, the Tribunal without going into the merits of the case has chosen to dismiss the said O.A. on

PE just up on file
27/9/05
DR (J) 8/2/05
SO 23

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT
THE HON'BLE MRS JUSTICE T.MEENA KUMARI
and
THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO : 3750 of 1998

Between:

K.Kondala Rao

.... PETITIONER(S)

AND

1. The Chairman, Telecom Commission, Telecommunication, New Delhi.
2. The Chief General Manager, Telecommunications, Gujarat Circle, Ahmadabad.
3. The Telecom District Manager, Bhuj, Kutch, Gujarat, Telecommunications.
4. The General Manager, Telecommunications, Bhuj, Kutch, Gujarat.
5. The Chief General Manager, Telecommunications, A.P.Circle, Hyderabad
6. The Registrar, Central Administrative Tribunal, Hyderabad, Hyderabad Bench.

.. RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to ISSUE APPROPRIATE WRIT or order direction one in the nature of writ of certiorari call for the records pertaining to the O.A.No.1498/97 dated 10.11.97 by the Central Administrative Tribunal, Hyderabad, Hyderabad Bench and quash the same as illegal, arbitrary and unconstitutional and consequently allow the relief of the petitioner as claimed in the O.A.

Counsel for the Petitioner: DR.K.LAKSHMINARASIMHA

Counsel for the Respondents : MR.A.RAJASEKHARA REDDY (ASSISTANT SOLICITOR GENERAL)

The Court made the following :

Not next week
before Div Bench
21/10/05

| |
|--|
| केन्द्रीय प्रशासनिक अधिकारण Central Administrative Tribunal हैदराबाद न्यायालय, Hyderabad Bench |
| 309 |
| 27 SEP 2005 |
| WTR/RECEIVED प्रेषण/DESPATCH डाक विभाग/TELEGRAPH SECTION |

the ground that the applicant therein has claimed 12 separate reliefs which are not consequential to one another.

Under the above circumstances, we set aside the impugned order and remand the matter to the Tribunal to pass fresh orders on merits within four weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is allowed. No costs.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, The Acting Chief Justice on this Tuesday the Sixth day of September, Two Thousand and Five.

**SD/-T.GURUNATH
ASSISTANT REGISTRAR**

clb
SECTION OFFICER

// TRUE COPY //

To

1. The Chairman, Telecom Commission, Telecommunication, New Delhi.
2. The Chief General Manager, Telecommunications, Gujarat Circle, Ahmadabad.
3. The Telecom District Manager, Bhuj, Kutch, Gujarat, Telecommunications.
4. The General Manager, Telecommunications, Bhuj, Kutch, Gujarat.
5. The Chief General Manager, Telecommunications, A.P. Circle, Hyderabad
6. The Registrar, Central Administrative Tribunal, Hyderabad, Hyderabad Bench.
7. 2 CD copies
8. ONE CC TO Dr. K. Laxmi Narasimha, Advocate (OPUC) BRD

6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD
AT HYDERABAD

OA No.1498 of 1997

Between:
K.Kondala Rao .. Applicant

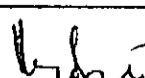
And

The Chairman, Telecom. Commission
Telecommunication, New Delhi and 4 others .. Respondents

MATERIAL INDEX

| S.No. | Date | Description of document | Annexure | page |
|-------|----------|--|----------|---------|
| 01. | 14.11.05 | A copy of reply affidavit | | 01-04 |
| 02. | 20.07.94 | A copy of oral judgment passed in 767 of 91 & batch filed by HS.Vyas & others by CAT: Jabalpur Bench | R I | 05-09 |
| 03. | 15.03.96 | A copy of order passed in CCP No. 7/95 OA No. 767 of 91 & batch by CAT: Jabalpur Bench | R II | 10 & 11 |

Hyderabad
Dt. 18.11.05


Counsel for the respondents

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : : HYDERABAD
AT HYDERABAD

O.A NO.1498 OF 1997

Between :

K. Kondala Rao

..... Applicant

And

The Chairman, Telecom Commission
Telecommunications, New Delhi and 4 others

..... Respondents

REPLY AFFIDAVIT FILED ON BEHALF OF RESPONDENT

1. C.Suryachandra Rao S/o Sri C.Kanakaraju, aged about 58 years, Asst General Manager, R/o Hyderabad do hereby solemnly affirm and state as under:

2. I submit that I am the respondents herein in the application. I have read the orginal application under reply and also the case record. Hence, I know the facts of case deposed hereunder. I am filing this reply affidavit on behalf of all Respondents as I have been authorized to do so.

3. At the outset, it is submitted that multiple relief's are not maintainable in one application. The applicant has to restrict one relief among the relief's sought in the application. The applicant is not clear as to what relief he really seeks in the present application. There is an ambiguity in the representations and pleadings also. As per the documents filed in support of the original application, the following are pleaded and three grounds raised there:

a) The memo dated 8.11.95 (Annexure I page 10 of OA) says that the pay of applicant was stepped up with that of one Sri. Shivashankar Pillai as per the judgment of Jabalpur provisionally subject to revision.

b) The representation dt 1.12.91 II, page 12 of OA) submitted by the applicant states that the arrears due to difference of pay were not fully paid as stated in the memo dated 6.11.95.

1st page corr.

Devaraj
Devaraj
Sub-Divisional Engineer (Legal)
मु.म.प्र. दुर्संजार शा.स.टि.टि.
O/o. C.G.M. Telecom B.S.N.L.
आ.प्र. हैदराबाद-500 001.
A. P. HYDERABAD-500 001.

Devaraj
Devaraj
DEPONENT (लिखि)
Asst. General Manager (Legal)
मु.म.प्र. दुर्संजार शा.स.टि.टि.
O/o. C.G.M. Telecom B.S.N.L.
आ.प्र. हैदराबाद-500 001.

2

c) The applicant submitted another representation dated 26th December, 95 reiterating that the judgment of Jabalpur was not fully implemented. He contends that his junior was K. Shivasankar Pillai and he should be paid on par with him.

d) The grounds raised say that the judgment of Jabalpur was not implemented on par with said Pillai and the recovery of overpayment was without assigning any reason whatsoever.

4. In the light of above submission, the following are submitted:

i) The applicant was Sub- Divisional Engineer (SDE for brevity) under Telecom District manager (TDM for brevity), Gujarat Circle and was one of the applicant in OA No.773 of 1991 before Jabalpur Bench of his Hon'ble Tribunal and the same was decided on 20.7.1994. The Bench held that the applicant therein were entitled to the benefits of judgment of Allahabad High Court dated 20.02.1985 in as much as they would be entitled to refixation of their pay which should not be less than the pay of those who were immediately below them and rejected the prayer with regard to the question of back wages except with effect from date they actually worked on the post of Assistant Engineer. In pursuance of the above direction, the CGM, Telecom, Madhya Pradesh circle, Bhopal has issued a common order vide No. LCO 3/1/243 dated 2.11.95 by directing the respective controlling authorities to step up the pay on par with immediate juniors. The TDM, Bhuj on receipt of instructions from the Office of CGM, Telecom, and Ahmedabad issued memo dated 8.11.95 by stepping up the pay of the applicant on par with Shivasankar Pillai provisionally and also paid arrears of Rs. 6,319/- as consequence of the same and also subject to revision after examination of his case with reference to his immediate junior.

2nd page corr.


ATTESTOR
 उप संडर इंजीनियर (लैगल)
 Sub-Divisional Engineer (Legal)
 मु. स. प्र. दुर्लभकार भा. स. ११.१२.
 O/o. C.G.M. Telecom B S N.L.
 डा. प्र. हैदराबाद-500 001.
 A. P. HYDERABAD-500 001.


DEPONENT
 उप संडर इंजीनियर (लैगल)
 Asst. General Manager (Legal)
 मु. स. प्र. दुर्लभकार भा. स. ११.१२.
 O/o. C.G.M. Telecom B.S.N.L.
 डा. प्र. हैदराबाद-500 001.
 A. P. HYDERABAD-500 001.

31

Accordingly, the case was examined and it was found one official namely Ved Bhushan was found to be junior to the applicant and their particulars are given below.

| | <u>Applicant</u> | <u>Ved Bhushan</u> |
|---------------------------|------------------|--------------------|
| Staff No. | 9519 | 9520 |
| Sr.No | 7084 | 7085 |
| Deemed date of promotion: | 28.12.87 | 28.12.87 |

So the above facts show that the applicant is not entitled for stepping up of pay on par with the said Pillai as contended in the present application in pursuance to the judgement rendered by Jabalpur as mentioned above.

5. It is submitted that a contempt petition No.7 of 1995 was filed by one of the applicant in the said Jabalpur Bench and the same was decided on 15.3.1996 whereby it was held that the action of the department was correct and held that the direction was to fix the pay with respect to next below junior and the directions were complied with. The CGM, Telecom, MP Circle, Bhopal accordingly directed this circle and TDM, Bhuj to take action in accordance with the judgment of Tribunal, Jabalpur in said OA.No.773 of 1991 and the said contempt petition by their letters dated 20.5.96 and 7.7.97.

6. it is further submitted that it is not the case of applicant in the present application that he was entitled for stepping up of his pay on par with said Bhushan and the claim in comparison with said Pillai is not tenable in the light of Jabalpur judgment. Moreover, he cannot file fresh application seeking for implementation of a judgment already rendered in the very same case himself filed. If he is having any grievance with reference to said Bhushan, his immediate junior, he can make out his case. However, he has failed to make out such case. Hence, the present application fails on more than one ground as submitted supra.

3rd page corr.

Devaraj
ATTESTOR
चय मंडल इंजीनियर (लैगल)
Smt-Divisional Engineer (Legal)
मु.म.प्र. दुर्सलार शा.त.नि.लि.
O/o. C.G.M. Telecom B.S.N.L.
प. राजकान्द-500 001.
A. P. HYDERABAD-500 001.

Devaraj
DEPONENT
दहाराम लक्ष्मी प्रसाद (दिविज)
Asst. General Manager (Legal)
मु.म.प्र. दुर्सलार शा.त.नि.लि.
O/o. C.G.M. Telecom B.S.N.L.
आ.प्र. राजकान्द-500 001.
A.P. HYDERABAD-500 001.

A/

In view of the above submissions, there are no grounds made out in the application under reply so as to interfere in the matter by the Hon'ble Tribunal. Hence, the Hon'ble Tribunal may be pleased to dismiss the original application under reply.

Solemnly affirmed and signed his name

Before me on this 14th Day of November, 05.

Deponent

Attestor
उप मंडल इंजीनीयर (विधि)
Sub-Divisional Engineer (Legal)
मु.ग.प्र. दुरसंचार भा.सं.नि.वि.
O/o. C.G.M. Telecom B S N.L.
आ.प्र. (द) - 500 001.
A. P. HYDERABAD-500 001.

सहायक सहा प्रबंधक (विधि)
Asst. General Manager (Legal)
मु.ग.प्र. दुरसंचार भा.सं.नि.वि.
O/o. C.G.M. Telecom B S N.L.
आ.प्र. (द) - 500 001.
A.P. HYDERABAD-500 001.

R1 (5)

IN THE CENTRAL ADMINISTRATIVE TIRBUNAL JABALPUR

O.A.No.773/91

V.K.Bhalerao,

Indore & 6 others

----- Applicants

V/s

UNION OF INDIA & OTHERS

----- Respondents.

APPLICATION UNDER SECTION 19 A.T.ACT 1985.

Advocate for applicants

D.M. KULKARNI

234,SAKET NAGAR,

INDORE (M.P.)

Phone No. 462066

Ex-Gen. Ct. Kondale Dis. Setd At
Kondale Dis. Setd At
J.P. 3750/98
RP MP 4446/98

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

(1) O.A.767 of 1991

H.S.Vyas & 9 others Vs. Union of India & others

(2) O.A.770 of 1991

K.A.Saify & 2 others Vs. Union of India & others

(3) O.A.772 of 1991

B.D.Chavade & 2 others Vs. Union of India & others

(4) O.A.773 of 1991

V.K.Bhalerao & 6 others Vs. Union of India & others

(5) O.A.774 of 1991

R.K.Salviya & 4 others Vs. Union of India & others

(6) O.A.775 of 1991

S.C.Pandey & 2 others Vs. Union of India & others

Counsel:

Shri D.M.Kulkarni - For the applicant in all cases.
Shri B.Da Silva - For the respondents in all cases

Coram:

Hon'ble Shri D.K.Agrawal - Vice Chairman
Hon'ble Shri R.Hariharan - Member (A)

ORAL JUDGMENT

(Passed on this the 20th day of July, 1994)

By these six connected petitions the applicants have claimed seniority on the post of Assistant Engineer, commonly known as T.E.S. Group 'B' post with effect from the year of passing the departmental examination for promotion from the post of Junior Engineer to the post of Assistant Engineer. They claimed seniority as well as consequential benefits at par with their juniors. During the pendency of the petitions, the department has accepted their claim of seniority i.e. the department has accepted that they are entitled to seniority from the year of passing the departmental examination. The seniority list has been accordingly revised. Therefore, the sole point for determination in these petitions as on date is about



consequential benefits. In this regard reference may be invited to the judgment of Lucknow Bench of Allahabad High Court in Writ Petitions Nos. 2739 of 1981 and 3652 of 1981, Parmanand Lal and Brij Mohan Vs. Union of India and others (leading case) dated 20.2.1985 wherein similarly placed persons were directed to be promoted with effect from the year of passing the departmental examination. Consequential benefits were also directed to be given to them. Subsequently, the Principal Bench in a bunch of petitions - leading case being O.A. 2407 of 1988, Shri S. Venkateswara Shenoi Vs. Union of India & others by judgment and order dated 22.4.1992 in respect of similarly situated persons, have passed an order in the following terms:-

"We hold that the applicants are entitled to the benefit of the Judgment of the Allahabad High Court dated 20.02.1985 except that in the event of refixation of seniority and notional promotion with retrospective effect, they would be entitled only to refixation of their present pay which should not be less than that of those who were immediately below them and that they would not be entitled to back wages. We order and direct accordingly."



2. The applicants' seniority having been granted by the department itself, their claim is confined only to the consequential benefits. There is no manner of doubt that they are entitled to the same benefits as had been given by the Principal Bench to the similarly placed persons in the above referred case.

3. In the conspectus of the above facts and circumstances of the case we hereby hold that the applicants are entitled to the benefits of the judgment of the Allahabad High Court dated 20.2.1985 in-as-much as they would be entitled to refixation of their present pay which shall not be less



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:: 3 ::

than the pay of those who were immediately below them. However, they will not be entitled to back wages except w.e.f. the date they actually worked on the post of Assistant Engineer. The order shall be implemented within three months of its communication failing which the department shall become liable to pay interest at the rate of 12% p.a. on the arrears of pay if any.

4. Parties are left to bear their own costs.

Sd/-

(R. Hariharan) 20-07-94
Member (A)

Sd/-

(D. K. Agrawal)
Vice Chairman

TRUE-COPY

Deputy Registrar
Deputy Registrar
Central Administrative Tribunal
Jabalpur Bench, Jabalpur

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH.

O.A.No. 773 /91

1. V.K.Bhalerao (Staff No.7420)
A.E. M/W Mtce III, Indore-452001 Applicant.
2. S.K.Sharma (Staff No.9897)
A.E.(RLU),o/o Telecom, District Manager,
Indore.
3. N.K.Choudhary (Staff No.6607)
A.E.Fault Control, Telephone Exchange
Building, Nehru Park, Road, Indore-452003.
4. D.L.Arora (Staff No.9015)
Commercial Officer-I, 6/8, New Palasia, Indore
5. V.K.Arora (Staff No.9187)
A.E. Multiplexing (P/P) 3rd Floor,
Telephone Exchange Building, Indore-452003
6. K. Kondala Rao, ~~xxx~~ (Staff No.9519)
A.E.(Sat) Bhuj (on deputation to TCIL)
Presently at TC IL Office, 16/1
South Tukoganj, Indore.
7. H.C.Mandloi (Staff No.9578)
S.D.O.T.Dewas, Type III/Q.2 Kalani Bag
Telephone Quarter, Dewas Applicants

VERSUS

1. Union of India represented by the
Secretary, Ministry of Telecommunications,
Sanchar Bhawan, 20, Ashok Road, New Delhi.
2. Director General Telecommunication Department,
Sanchar Bhawan, 20, Ashok Road, New Delhi.
3. Chairman, ^{Commission} Telecom Communication, Sanchar Bhawan,
20, Ashok Road, New Delhi.
4. K. Shivashankaran Pillai, (Staff No.4152)
A.E. Group, Malthukulam, Via, Kayamkulam (Kerala).
5. N.M.Mehta (Staff No.4147), r/o Krishna Nagar,
Block No.53 B, Room No. 861, Ahmedabad, (Gujrat)

Respondents.

APPLICATION UNDER SECTION 19, A.T. Act 1985
r/w Article 14,16,309 and 226 of the Constitution
of India.

CENTRAL ADMINISTRATIVE TRIBUNAL JABALPUR BENCH

C.C.P. NO. 7 OF 1995

(O.A.Nos. 767,770,772,773,774 & 775 OF 91)

decided on 20.7.1994.)

H.S.Vyas & others

Applicants

Versus

Shri R.K. Thakkar, Chairman, Telecom Commission,
Sanchar Bhawan, 20, Ashok Road, New Delhi
And another

..... Respondents

Counsel:

Contd.
Shri D.M. Kulkarni for the applicants
Shri Rohit Arya for the respondents

Coram.

Hon'ble Shri Justice M.V. Tamaskar- Vice Chairman
Hon'ble Shri R. Hariharan- Member (A)

ORDER

(Passed on this the 15th day of March, 1996)

By this petition the applicants submits that the common judgment delivered by this Tribunal on 20.7.1994 in the case of H.S. Vyas & 9 others (O.A. 767 of 1991) a 5 other cases, has not been complied with. The direction issued by the Tribunal was as under -

"3. In the conspectus of the above facts and circumstances of the case we hereby hold that the applicants are entitled to the benefits of the judgment of the Allahabad High Court dated 20.2.1985 in- as-much as they would be entitled to refixation of their present pay which shall not be less than the pay of those who were immediately below them. However, they will not be entitled to back wages except w.e.f the date they actually worked on the post of Assistant Engineer. The order shall be implemented within three months of its communication failing which the department shall become liable to pay interest at the rate of 12% p.a on the arrears of pay if any".

After passing of the order, this Tribunal had directed the respondents to calculate the amount, and amount be paid by the next date.

2. Shri. Arya, learned counsel for the respondents has filed a chart showing the fixation made as per the decision of the Tribunal. In the case of H.S.Vyas the same has been fixed with reference to Shanker Kumar Dey, in the case of N.K.Choudhary the same has been fixed with reference to G.R.Verma, and in the case of R.N.Sharma the same has been

contd... 2/-

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fixed with reference to D.S.Nagendran. The fixation according to the department comes to Rs.710/- though actually the payment has been made at the rate of Rs.740/-.

3. Shri Kulkarni, learned counsel for the applicants submits that the fixation at Rs.740/- has been made and payment has been made, therefore, the said payment cannot be recovered again. Shri Kulkarni states that the fixation at the rate of Rs.740/- was made by ascertaining the payments made to the persons who are not the next below persons but were juniors to them. Shri Kulkarni further states that merely following the principle of next below would not be compliance of the rule as the juniors to the applicants would be getting more salary than the applicants.

4. By interpreting the order we come to the conclusion that the direction was to fix the pay in respect of the next below juniors. If the applicants are aggrieved they may challenge the same by an appropriate petition. Unless it is shown that the non-compliance is deliberate there can be no contempt. The department interpreted the order bonafide and has made payments and has worked out the actual amount to be paid with reference to the next below juniors. As the matter involved a large exercise because of number being more, we find there is no contempt made out. This case is disposed of as the respondents have complied with the orders passed in the QAs. The notices are discharged. The parties shall bear their own costs.

Sd/—
(R.Hariharan) 1573/56
Member (A)

Sd/—
(M.V.Tamaskar)
Vice Chairman

1/2
C.R. No. Ord. 93-B. Date 19/2
Copy forwarded to:
1) The Secretary, High Court Bar Association,
Jabalpur.
2) The Counsel for applicant Shri/Supakku D.M.Kulkarni, 234, Saket Nagar, Indore.
3) The Counsel for respondent Shri S. T. Kulkarni, 234, Saket Nagar, Indore.
4) The Jr. L. Branch, C.R., Jabalpur Branch.
for information and necessary action.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT HYDERABAD

OA No. 1498 of 97
OA No. 1120 of 2001 dated 19.9.2001



Between:

K. Kondeti Rao
R. ~~permitted~~

And

The Chemists Union
The GM of
SC/SC & others
New Delhi
others

Respondent

Reply affidavit filed on behalf of Respondents

Filed on 18/11/05

Filed by

V. RAJESWARA RAO
SC for Railways
Addl. CGSC
Hyderabad

also seeks quashing of recovery of an amount of Rs.9357/- ordered vide memo dated 03.06.96 and refund of the said amount. Consequently the applicant also seeks refixation of pension. The case of the applicant is that prior to his retirement his pay was fixed as per memo dated 08.11.95 and aggrieved by the wrong fixation of the pay, he had filed representations. Subsequently, vide memo dated 03.06.96 an amount of Rs.9357/- was ordered to be deducted from the gratuity of the applicant. The applicant relies upon judgment of the Hon'ble Central Administrative Tribunal, Jabalpur Bench in O.A. No.773/91 wherein directions were given to the respondents to promote the applicant therein on par with his junior and fix the pay accordingly. According to the applicant no reasons have been given by the department for the deduction of a sum of Rs.9352/- nor any notice was given prior to the issue of the said order dated 03.06.96.

2. The respondents in their reply have stated that initially the pay of the applicant was fixed vide memo dated 08.11.95 by stepping up the pay of the applicant on par with Sivasankaran Pillai provisionally which was subject to revision after examination of his case with reference to his immediate junior in terms of the judgment of the CAT, Jabalpur Bench in OA No.773/91. According to the respondents, one official named Ved Bhushan was found to be immediately junior to the applicant and as such, he was not entitled for stepping up of pay on par with Sivasankaran Pillai.

3. Counsel appearing on both sides were heard. Learned counsel for the applicant urged before me that in the case of the applicant the pay of the applicant was fixed at Rs.3125/- (Pay +PP), but in the case of Sivasankaran Pillai it is stated in order dated 08.11.95 that the pay of the Sivasankaran Pillai with effect from

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD



Original Applications No.1498/1997
Date of Order: 30.11.2005

Between:

K. Kondala Rao

... Applicant

And

1. The Chairman,
Telecom Commission,
Telecommunication,
New Delhi.
2. The Chief General Manager,
Telecommunications,
Gujarat Circle, Ahmedabad.
3. The Telecom Dist. Manager,
Bhuj, Kutch, Gujarat,
Telecommunications.
4. The General Manager,
Telecommunications,
Bhuj, Kutch, Gujarat.
5. The Chief General Manager,
Telecommunications,
A.P. Circle, Hyderabad.

... Respondents

Counsel for the applicant ... Dr. K. Lakshmi Narasimha
Counsel for the respondents ... Sri V. Rajeswara Rao

CORAM:

The Hon'ble Justice Mr R.K.BATTA ... Vice-Chairman

ORAL ORDER
(As per Hon'ble Justice Mr. R.K.BATTA, Vice-Chairman)

The applicant seeks refixation of salary on par with Sivasankaran Pillai without bifurcating the pay as pay + PP with all consequential reliefs. He

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ordering stepping up of pay of the applicant along with Sivasankaran Pillai, but the said order further stated that the stepping up of the pay of the applicant is provisional and subject to revision after examination of his case with reference to his immediate junior. The pay of the applicant was fixed at Rs.3125/- which included pay + PP whereas pay of Sivasankaran Pillai was fixed at Rs.3125/- and the order stated that the pay of Sivasankaran Pillai with effect from 05.07.94 (pay and PP) are not available. The applicant had made several representations against this order wherein he had claimed that his pay was to be fixed on par with Sivasankaran Pillai without bifurcating the pay as pay +PP. But it appears that the said representations have not been disposed of. Subsequently, vide order dated 03.06.96 a sum of Rs.9357/- was ordered to be deducted from the gratuity of the applicant on the ground of over-payment of pay and allowances. Learned counsel for the applicant has urged before me that no notice whatsoever was issued prior to this order. I have already pointed out that the respondents are trying to justify this order on the basis of the case of Ved Bhushan who is said to be immediately junior to the applicant. Their case is that the applicant is not entitled for stepping up of pay on par with Sivasankaran Pillai. Order dated 03.06.96 does not give any indication as to how and on what basis the overpayment of pay and allowances has been worked out as Rs.9357/- which was recovered from the gratuity of the applicant. Any subsequent justification given in the reply cannot substantiate the said order dated 03.06.96 which was issued without any notice whatsoever. Therefore, the order dated 03.06.96 is liable to be quashed and set aside and the same is hereby quashed in so far as it pertains to the deduction of Rs.9357/- and the said amount is ordered to be refunded to the applicant within a period of three months from the date of the order with 10% interest thereon from the time it was deducted till the payment is effected.

05.07.94 (pay + PP) are not available. He therefore contends that the fixation of pay of the applicant at Rs.3125/- ~~shall have the same~~ as Pay + PP is wrong since in the case of Sivasankaran Pillai his pay alone is fixed at Rs.3125/- Learned counsel for the applicant has further argued that no notice was given to the applicant before issuing order dated 03.06.96 vide which a sum of Rs.9357/- has been deducted on the ground of over-payment of pay and allowances from the gratuity. He therefore contends that the orders dated 08.11.95 and 03.06.96 are liable to be quashed and directions be issued to the respondents to refix the pay of the applicant on par with Sivasankaran Pillai without bifurcating the pay as pay +PP and also to fix the pension accordingly. He also contends that the recovery ordered has to be quashed.

4. Learned counsel for the respondents tried ^{to} justified the recovery on the strength of the case of one Ved Bhushan who was stated to be immediately junior to the applicant. According to the learned counsel for the respondents, the applicant is not entitled to stepping up of pay on par with Sivasankaran Pillai in as much as the pay of the applicant has to be fixed keeping in view the pay of his immediate junior in terms of the judgment of the CAT, Jabalpur Bench in OA 773/91 and the application is liable to rejected.

5. The applicant along with others had filed OA 773/91 before the Central Administrative Tribunal, Jabalpur Bench in which he had claimed seniority as well as consequential benefits on par with their juniors. The Tribunal vide order dated 20.07.1994 held that the applicant would be entitled for refixation of their present pay which shall not be less than the pay of those who were immediately below them. Consequent to the said judgment, order dated 08.11.95 was passed

6. In so far as the order dated 08.11.95 is concerned, the said order was provisional order and was subject to revision after examination of his case with reference to his immediate junior. However, it appears that no further order has been passed by the respondents with reference to the order dated 08.11.95 and the respondents in the reply have tried to suggest that the applicant is not entitled for stepping up of pay on par with Sivasankaran Pillai but his pay is to be fixed with reference to one Ved Bhushan who was immediately junior to the applicant. I have already stated that the applicant had made representations to the respondents with reference to the order dated 08.11.95 which were not disposed of by the department. In this view of the matter, it is considered necessary that directions be given to the respondents to consider the said representations filed by the applicant and pass speaking and reasoned order with reference to the order dated 08.11.95 in accordance with the directions in the judgment dated 20.07.94 of the Central Administrative Tribunal, Jabalpur Bench in OA 773/91 within a period of three months from the date of receipt of the order. The application is allowed in the aforesaid terms with no order as to costs. The respondents shall report compliance of the directions given in this order after three months ^{plus} ^R except the time taken for service of the order on the respondents and the matter be listed on board for that purpose.

प्रमणित प्रति
CERTIFIED TRUE COPY

केस संख्या 07/14.98/97
CASE NO. 07/14.98/97
निर्णय दिन 30/11/05
DATE 30/11/05
प्रति 13/12/05
COPY DATE 13/12/05

अनुभाव अधिकारी
Section 6(1)(b) Officer
कानूनी प्राप्तिकारी अधिकारी
Central Administrative Tribunal
Jabalpur Bench / Madhya Pradesh Bench

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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD**

MA's 335/2006 & 336/2006 IN
O.A.NO. 1498/1997.
DATE OF ORDER: 24.08.2006



BETWEEN:

1. The Chairman, Telecom Commission, Department of Telecom, Sanchar Bhavan, New-Delhi.
2. The Chief General Manager, AP.Circle, Nampally Station Road, Hyderabad.
3. The Telecom Dist. Manager, Bhuj, Kutch Gujarat, Telecom.
4. The General Manager, Telecommunications, Bhuj, Kutch, Gujarat.
5. The Chief General Manager, Telecommunications, Gujarat, Circle, Ahmedabad.

...Applicant / Respondents

And
K.Kondala Rao

...Respondents / Applicant

COUNSEL FOR THE APPLICANTS: MR.V.RAJESWARA RAO, ADDL.CGSC.
COUNSEL FOR THE RESPONDENTS: DR.K.LAKSHMINARASIMHA.

CORAM

**THE HONBLE MRS.BHARATI RAY: MEMBER(JUDL)
THE HONBLE MRS.GEETHA THOOPAL: MEMBER(ADMN)**

THE HONBLE TRIBUNAL MADE THE FOLLOWING ORDER:

MA.335/2006 has been filed by the official respondents in OA for extension of time to implement the order of this Tribunal in OA.1498/1997. The order was passed on 30.11.2005 and copy was made ready on 13.12.2005. 3 months time was granted for implementing the order and this MA was filed on 04.05.2006. Therefore, it appears that the MA was filed after the expiry of the time granted by the Tribunal. Therefore, MA.335/06 is dismissed. Accordingly MA.336/2006 become infructuous and dismissed. No costs.

CERTIFIED TRUE COPY

मैस संघरा MA 335/06 & 336/06
CASE NUMBER O.A. 1498/97
निर्णय नं. तारीख
DATE OF JUDGEMENT 24/8/06
श्री है. नं.
CC 31/8/06

Sd/-
(N.N.PRADEEP)
REGISTRAR

Shri Zorlu
अ. न्यायिक अधिकारी
Central Administrative Tribunal
हैदराबाद न्यायपोर्ट/Hyderabad Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD
AT HYDERABAD

M.A.NO.335 OF 2006
IN

O.A NO. 1498 OF 1997

Between :

K. Kondala Rao

..... Applicant

And

The Chairman, Telecom Commission
Telecommunications, New Delhi and 4 others

Respondents

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| 1. | Miscellaneous Application | | |
| 2. | CAT,Hyderabad Judgement dated 30.11.2005 O.A.No. 1498/97 | R 1 | |
| 3. | Lr. No. 4-9/2006-PAT (BSNL) dated 1.5.2006 | R 2 | |

COUNSEL FOR THE RESPONDENTS

Hyderabad

Date: 4/5/06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD
AT HYDERABAD

M.A.NO.335 OF 2006
IN

O.A NO. 1498 OF 1997

Between :

K. Kondala Rao
S/o Samba Murthy ,
Retd SDOT Guntur,
H.No. 11-9-15/1 Road No 3
Laxminagar,Kothapet
Hyderabad.

..... Applicant

And

1. The Chairman, Telecom Commission
Telecommunications, New Delhi
2. The Chief general Manager,
Telecommunication, Gujarat Circle,
Ahmedabad.
3. The Telecom Dist.Manager,
Bhuj,Kutch Gujarat, Telecom.
4. The General Manager,
Telecommunications,
Bhuj,Kutch, Gujarat.
5. The Chief General Manager,
Telecommunications,AP,Circle,
Hyderabad.

Respondents

petition of R 24 of CAT of AP
For the reasons contained in the accompanying affidavit it is prayed
that the Hon'ble CAT of Andhra Pradesh may be pleased to grant
extension of 3 (three) months to implement the directions of the
Hon'ble Tribunal contained in the order dated 30.11.2005 passed in
O.A. 1498/97 and pass such other order or orders the Hon'ble Tribunal
may deem fit and just in the circumstances of the case.

Counsel for the Applicants/ Respondents

Hyderabad.

Dated: 4/5/06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : : HYDERABAD
AT HYDERABAD

M.A.NO.335 OF 2006
IN

O.A NO. 1498 OF 1997

Between :

K. Kondala Rao Applicant

And

The Chairman, Telecom Commission
Telecommunications, New Delhi and 4 others Respondents

AFFIDAVIT

I V. Eswara Rao, S/O Soorana, aged about 53 years,
Asst General Manager (Legal), R/o Hyderabad do hereby solemnly affirm
and state as under:

1. It is submitted that the respondents/applicants have filed the OA seeking re fixation of salary on par with Sivasankaran Pillai without bifurcating the pay as pay + PP with all consequential relief's. and also quashing of recovery of an amount of Rs. 9357/- ordered vide memo dated 3.6.1996 and refund of the said amount. Consequentially the applicant also seeks re fixation of pension.
2. It is submitted that the Hon'ble Tribunal after hearing the matter was pleased to dispose of the OA and a judgment dated 30.11.2005 was passed directing the applicant / respondents to consider the said representations filed by the respondents/applicant and pass speaking and reasoned order with reference to the order dated 8.11.95 in accordance with the directions in the judgment dated 20.7.94 of the Central Administrative Tribunal, Jabalpur Bench in OA 773/91 within a period of three months from the date of receipt of the order. The copy of the order was made ready on 13.12.2005 and was received on 21.12.2005.

1st page corr.


Attestor
चुप मंडल इंजीनियर (विधी)
Sub-Divisional Engineer (Legal)
मु. म. प्र. दुरसंचार भा. स. नि. लि.
O/o. C.G.M. Telecom B S N.L.
आ. प्र. हैदराबाद-500 001.
A. P. HYDERABAD-500 001.

बा. ई. २६८ रष
Deponent

असोन्दर चाहा प्रबोधक (विधी)
Asst. General Manager (Legal)
मु. म. प्र. दुरसंचार भा. स. नि. लि.
C/o. C.G.M. Telecom B S N.L.
आ. प्र. हैदराबाद-500 001
A.P. HYDERABAD-500 001

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3. It is submitted that immediately after receiving the order the same was communicated to CGMT, Gujarat Circle as the respondent/applicant retired from Gujarat Circle. The applicant/ respondents who has to take decision has requested to take extension of time (Copy enclosed) As the time granted by the Hon'ble Tribunal is not sufficient and a further time of Three (3) Months is required for taking a decision for disposing the representation.

4. In view of the above submission the Hon'ble Tribunal may be pleased to permit to grant 3 (three) months time from the date of by which the time granted by the Hon'ble court t expires and pass such other order or orders the Hon'ble Tribunal may deem fit and just in the circumstances of the case.

वा. ईरवार राज
Deponent

Solemnly sworn and signed before
me on this ५८ day of May 2006.


Attestor

उप मंडन ई. एम. (लेगल)
Sub-Divisional Engineer (Legal)
मु. म. प. दुर्सनां वा. सं. नि. लि.
O/o. C.G.M. Telecom B.S.N.L.
आ. प्र. हैदराबाद-500 001.
A.P. HYDERABAD-500 001

महाराष्ट्र राज परिवार (राज)
A.R.C. General Manager (Legal)
मु. म. प. दुर्सनां वा. सं. नि. लि.
O/o. C.G.M. Telecom B.S.N.L.
आ. प्र. हैदराबाद-500 001.
A.P. HYDERABAD-500 001

also seeks quashing of recovery of an amount of Rs.9357/- ordered vide memo dated 03.06.96 and refund of the said amount. Consequently the applicant also seeks refixation of pension. The case of the applicant is that prior to his retirement his pay was fixed as per memo dated 08.11.95 and aggrieved by the wrong fixation of the pay, he had filed representations. Subsequently, vide memo dated 03.06.96 an amount of Rs.9357/- was ordered to be deducted from the gratuity of the applicant. The applicant relies upon judgment of the Hon'ble Central Administrative Tribunal, Jabalpur Bench in O.A. No.773/91 wherein directions were given to the respondents to promote the applicant therein on par with his junior and fix the pay accordingly. According to the applicant no reasons have been given by the department for the deduction of a sum of Rs.9352/- nor any notice was given prior to the issue of the said order dated 03.06.96.

2. The respondents in their reply have stated that initially the pay of the applicant was fixed vide memo dated 08.11.95 by stepping up the pay of the applicant on par with Sivasankaran Pillai provisionally which was subject to revision after examination of his case with reference to his immediate junior in terms of the judgment of the CAT, Jabalpur Bench in OA No.773/91. According to the respondents, one official named Ved Bhushan was found to be immediately junior to the applicant and as such, he was not entitled for stepping up of pay on par with Sivasankaran Pillai.

3. Counsel appearing on both sides were heard. Learned counsel for the applicant urged before me that in the case of the applicant the pay of the applicant was fixed at Rs.3125/- (Pay +PP), but in the case of Sivasankaran Pillai it is stated in order dated 08.11.95 that the pay of the Sivasankaran Pillai with effect from

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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

**Original Applications No.1498/1997
Date of Order: 30.11.2005**

Between:

K. Kondala Rao

... Applicant

And

1. The Chairman,
Telecom Commission,
Telecommunication,
New Delhi.
2. The Chief General Manager,
Telecommunications,
Gujarat Circle, Ahmedabad.
3. The Telecom Dist. Manager,
Bhuj, Kutch, Gujarat,
Telecommunications.
4. The General Manager,
Telecommunications,
Bhuj, Kutch, Gujarat.
5. The Chief General Manager,
Telecommunications,
A.P. Circle, Hyderabad.

... Respondents

Counsel for the applicant ...
Counsel for the respondents ...

Dr.K. Lakshmi Narasimha
Sri V. Rajeswara Rao

CORAM:

The Hon'ble Justice Mr R.K.BATTA ... Vice-Chairman

ORAL ORDER
(As per Hon'ble Justice Mr. R.K.BATTA, Vice-Chairman)

The applicant seeks refixation of salary on par with Sivasankar Pillai without bifurcating the pay as pay + PP with all consequential reliefs.

ordering stepping up of pay of the applicant along with Sivasankaran Pillai, but the said order further stated that the stepping up of the pay of the applicant is provisional and subject to revision after examination of his case with reference to his immediate junior. The pay of the applicant was fixed at Rs.3125/- which included pay + PP whereas pay of Sivasankaran Pillai was fixed at Rs.3125/- and the order stated that the pay of Sivasankaran Pillai with effect from 05.07.94 (pay and PP) are not available. The applicant had made several representations against this order wherein he had claimed that his pay was to be fixed on par with Sivasankaran Pillai without bifurcating the pay as pay +PP. But it appears that the said representations have not been disposed of. Subsequently, vide order dated 03.06.96 a sum of Rs.9357/- was ordered to be deducted from the gratuity of the applicant on the ground of over-payment of pay and allowances. Learned counsel for the applicant has urged before me that no notice whatsoever was issued prior to this order. I have already pointed out that the respondents are trying to justify this order on the basis of the case of Ved Bhushan who is said to be immediately junior to the applicant. Their case is that the applicant is not entitled for stepping up of pay on par with Sivasankaran Pillai. Order dated 03.06.96 does not give any indication as to how and on what basis the overpayment of pay and allowances has been worked out as Rs.9357/- which was recovered from the gratuity of the applicant. Any subsequent justification given in the reply cannot substantiate the said order dated 03.06.96 which was issued without any notice whatsoever. Therefore, the order dated 03.06.96 is liable to be quashed and set aside and the same is hereby quashed in so far as it pertains to the deduction of Rs.9357/- and the said amount is ordered to be refunded to the applicant within a period of three months from the date of the order with 10% interest thereon from the time it was deducted till the payment is effected.

05.07.94 (pay + PP) are not available. He therefore contends that the fixation of pay of the applicant at Rs.3125/- ~~shall have the same~~ as Pay + PP is wrong since in the case of Sivasankaran Pillai his pay alone is fixed at Rs.3125/-. Learned counsel for the applicant has further argued that no notice was given to the applicant before issuing order dated 03.06.96 vide which a sum of Rs.9357/- has been deducted on the ground of over-payment of pay and allowances from the gratuity. He therefore contends that the orders dated 08.11.95 and 03.06.96 are liable to be quashed and directions be issued to the respondents to refix the pay of the applicant on par with Sivasankaran Pillai without bifurcating the pay as pay +PP and also to fix the pension accordingly. He also contends that the recovery ordered has to be quashed.

4. Learned counsel for the respondents tried justified the recovery on the strength of the case of one Ved Bhushan who was stated to be immediately junior to the applicant. According to the learned counsel for the respondents, the applicant is not entitled to stepping up of pay on par with Sivasankaran Pillai in as much as the pay of the applicant has to be fixed keeping in view the pay of his immediate junior in terms of the judgment of the CAT, Jabalpur Bench in OA 773/91 and the application is liable to rejected.

5. The applicant along with others had filed OA 773/91 before the Central Administrative Tribunal, Jabalpur Bench in which he had claimed seniority as well as consequential benefits on par with their juniors. The Tribunal vide order dated 20.07.1994 held that the applicant would be entitled for refixation of their present pay which shall not be less than the pay of those who were immediately below them. Consequent to the said judgment, order dated 08.11.95 was passed

6. In so far as the order dated 08.11.95 is concerned, the said order was provisional order and was subject to revision after examination of his case with reference to his immediate junior. However, it appears that no further order has been passed by the respondents with reference to the order dated 08.11.95 and the respondents in the reply have tried to suggest that the applicant is not entitled for stepping up of pay on par with Sivasankaran Pillai but his pay is to be fixed with reference to one Ved Bhushan who was immediately junior to the applicant. I have already stated that the applicant had made representations to the respondents with reference to the order dated 08.11.95 which were not disposed of by the department. In this view of the matter, it is considered necessary that directions be given to the respondents to consider the said representations filed by the applicant and pass speaking and reasoned order with reference to the order dated 08.11.95 in accordance with the directions in the judgment dated 20.07.94 of the Central Administrative Tribunal, Jabalpur Bench in OA 773/91 within a period of three months from the date of receipt of the order. The application is allowed in the aforesaid terms with no order as to costs. The respondents shall report compliance of the directions given in this order after three months ^{plus} except the time taken for service of the order on the respondents and the matter be listed on board for that purpose.

प्रमाणित प्रति
CERTIFIED TRUE COPY

F-701

Bharat Sanchar Nigam Ltd.
(A Government of India Enterprise)
Corporate Office
B-201, Statesman House
New Delhi - 110 001.
(PAT Section)

A 2
11/5/06
Dtd. 25-3-2006

No. 4-9/2006-PAT(BSNL)

To

The Chief General Manager
BSNL
A.P. Telecom Circle
Hyderabad

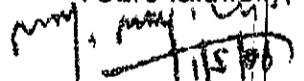
Sub: O.A. No.1498/97 filed by Sri. I K. Kondala Rao(Rtd.) SDOT Bhu;
Gujarat Circle regarding steeping up of pay.

Sir,

I am directed to invite your kind attention to this office letter of even No. dated 24-3-06 on the above mentioned subject and to intimate that CGM Gujarat Circle has been asked to examine the case in consultation with Circle IFA and issue speaking orders urgently in this matter under Intimation to this office as well as to DOT.

It is, however, requested that Hon'ble Tribunal may kindly be requested to grant extension of time of three months for disposing off the case in terms of judgement dated 30-11-2005 of the Hon'ble Tribunal as the three months time seems to have been expired and there is a chance of contempt of court case for non-implementation of Hon'ble CAT's order dated 30-11-2005.

Yours faithfully,


(R.R.P. Sinha)
Asstt. Director General (P-V)
Tele. No. 23037475.




A.S. T

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL ,HYDERABAD

AT HYDERABAD

MANO

126

O.A.NO. 1498 OF 14.05.1997.

Misc / Extension Petition



Filed on:

Filed by

Mr. Rajeswara Rao
(Counsel for the
petitioners/respondents)

AP. 33506 in OA 114897

2410806

HA or dismissed

Vide order on OA

docket sheet

HGT HBR
HCA HCT

ed.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD
AT HYDERABAD

M.A.NO.336 OF 2006
IN
M.A.(SR).No. 1007 of 2006

IN

OA.No. 1498 of 1997

Between:

1. The Chairman, Telecom Commission
Department of telecom,
Sanchar Bhavan, New Delhi -1
2. The Chief General Manager,
AP,Circle,Nampally Station Road,
Hyderabad.
3. The Telecom Dist.Manager,
Bhuj,Kutch Gujarat,Telecom.
4. The General Manager,
Telecommunications,
Bhuj,Kutch,Gujarat.
5. The Chief General Manager,
Telecommunications,Gujarat,Circle,
Ahemedabad.

.....Applicants/Respondents

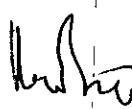
AND

K. Kondala Rao
S/o Samba Murthy,
Retd SDOT Guntur,
Flat.102, 16-2-753/33,
Revenue Board Colony,
Hyderabad - 500 036.

..... Respondents/Applicant

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| 3. | Lr. Legal/Misc/GMTD Bhuj/2005/108 dt 5.6.06 from AGM(L) Ahemedabad. | R 2 | 9 |


COUNSEL FOR THE RESPONDENTS

Hyderabad

Date: 3/7/06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD
AT HYDERABAD

M.A.NO. 336 OF 2006
IN
M.A.(SR).No. 1007 of 2006
IN
OA.No. 1498 of 1997

Between:

1. The Chairman, Telecom Commission
Department of telecom,
Sanchar Bhavan, New Delhi -1
2. The Chief General Manager,
AP, Circle, Nampally Station Road,
Hyderabad.
3. The Telecom Dist. Manager,
Bhuj, Kutch Gujarat, Telecom.
4. The General Manager,
Telecommunications,
Bhuj, Kutch, Gujarat.
5. The Chief General Manager,
Telecommunications, Gujarat, Circle,
Ahemedabad.

.....Applicants/Respondents

AND

K. Kondala Rao
S/o Samba Murthy,
Retd SDOT Guntur,
Flat .No. 102, 16-2-753/33
Revenue Board Colony,
Hyderabad - 500 036.

..... Respondents/Applicant

194 (R) w8(3)/
Petition filed under Rule of CAT (P) Rules, 1987

For the reasons stated in the accompanying affidavit, the applicant/respondents herein pray the Hon'ble Tribunal may be pleased to permit and amend the earlier MA(SR)NO. 1007 of 2006 and the time limit may be read as 6 (Six) months instead of 3 (three) as sought in the earlier MA and pass such other order to comply with the direction passed on 30.11.2005 in OA No. 1498 of 1997 and pass such other orders(s) as the Hon'ble Tribunal may deem fit and just.

Hyderabad

Dt 21.7.2006

Harish

Counsel for the applicant/respondents

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : : HYDERABAD
AT HYDERABAD

M.A.NO. 23 OF 2006
IN
M.A.(SR).No. 1007 of 2006

IN

OA.No. 1498 of 1997

Between:

1. The Chairman, Telecom Commission
Department of telecom,
Sanchar Bhavan, New Delhi -1
2. The Chief General Manager,
AP, Circle, Nampally Station Road,
Hyderabad.
3. The Telecom Dist. Manager,
Bhuj, Kutch, Gujarat, Telecom.
4. The General Manager,
Telecommunications,
Bhuj, Kutch, Gujarat.
5. The Chief General Manager,
Telecommunications, Gujarat, Circle,
Ahemedabad.

.....Applicants/Respondents

AND

K. Kondala Rao
S/o Samba Murthy,
Retd SDOT Guntur,
Flat.102, 16-2-753/33,
Revenue Board Colony,
Hyderabad - 500 036.

..... Respondents/Applicant

AFFIDAVIT

1. I V. Eswar Rao S/o V. Suranna aged 53 working as AGM (Legal), % CGMT, BSNL, Hyderabad do hereby solemnly affirm and state as under:
2. I submit that I am working in the office of respondent No. 2. I have read case and also the order passed by the Hon'ble Tribunal in OA No. 1498 of 1997. Hence, I know the facts of case deposited hereunder. I am filing this reply affidavit on behalf all the respondents in OA as I have been authorized to do so.

1st Page Corr.


Attestor

एस बी एस इंजीनियर (विधि).

Sub-Divisional Engineer (Legal)

मु.म.प्र. दुर्लभार भा सं.नि.लि.

O/o C G M Telecom B S.N.L.

भा प्र. हैदराबाद-500 001.

A P. HYDERABAD 500 001.

वा. ई. रवि राव
Deponent

स.पा. रहा प्रांधक (विधि)

Asst. General Manager (Legal)

मु.म.प्र. दुर्लभार भा सं.नि.लि.

O/o C G M Telecom B S.N.L.

भा प्र. हैदराबाद-500 001.

A.P. HYDERABAD 500 001.

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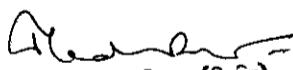
3. I submit that we have earlier filed one MA (SR) No. 1007 of 2006 seeking extension of further time of 3 (three) months from 20.3.2006 to 19.06.2006. The said MA is still pending disposal on the file of Hon'ble Tribunal. However, we could not complete full course of action as directed by the Hon'ble Tribunal in its order dated 30.11.2005 passed in OA.No. 1498 of 1997. The delay is neither intentional nor deliberate and it purely administrative delay. The Hon'ble Tribunal may be pleased to condone the delay in implementing the direction of Hon'ble Tribunal in the said OA.

Hence, the respondents in the original application requires further time and the we may be permitted to read **6 (Six) months instead of 3 (Three) months** as sought in the earlier MA (SR) No. 1007 of 2006 filed in OA.No. 1498 of 1997.

In view of the above submissions the Hon'ble Tribunal may be pleased to permit us to amend the earlier MA(SR).No. 1007 of 2006 and the time limit ,may be read as **6 (Six) months instead of 3(Three) Months 2006 ie from 19.6.2006 to 18.09.2006** to comply with the directions passed on 30.11.2005 in OA.No. 1498 of 1997 and pass such other order as the Hon'ble Tribunal may deem fit and just in the circumstances of case.

Solemnly affirm and state that the above
Contents are true and correct and signed
His name on this 28th Day of June, 2006

Attestor


सप. शेषल इंजीनीयर (विधि)
Sub-Divisional Engineer (Legal)
मु.म.प. दुर्सचार भा सं.नि.ल.
O/o C G M Telecom B S.N.L.
भा प्र. हैदराबाद-500 001.
A.P. HYDERABAD-500 001.

वा. ई. वट्टर राव
Deponent

सहाय्या मंडा प्र. एक (विधि)
Asst. General Manager (Legal)
मु.म.प. दुर्सचार भा सं.नि.ल.
O/o C G M Telecom B S.N.L.
भा प्र. हैदराबाद-500 001.
A.P. HYDERABAD-500 001.

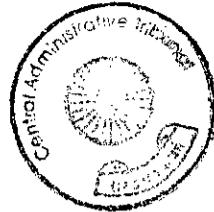
5-

also seeks quashing of recovery of an amount of Rs.9357/- ordered vide memo dated 03.06.96 and refund of the said amount. Consequently the applicant also seeks refixation of pension. The case of the applicant is that prior to his retirement his pay was fixed as per memo dated 08.11.95 and aggrieved by the wrong fixation of the pay, he had filed representations. Subsequently, vide memo dated 03.06.96 an amount of Rs.9357/- was ordered to be deducted from the gratuity of the applicant. The applicant relies upon judgment of the Hon'ble Central Administrative Tribunal, Jabalpur Bench in O.A. No.773/91 wherein directions were given to the respondents to promote the applicant therein on par with his junior and fix the pay accordingly. According to the applicant no reasons have been given by the department for the deduction of a sum of Rs.9352/- nor any notice was given prior to the issue of the said order dated 03.06.96.

2. The respondents in their reply have stated that initially the pay of the applicant was fixed vide memo dated 08.11.95 by stepping up the pay of the applicant on par with Sivasankaran Pillai provisionally which was subject to revision after examination of his case with reference to his immediate junior in terms of the judgment of the CAT, Jabalpur Bench in OA No.773/91. According to the respondents, one official named Ved Bhushan was found to be immediately junior to the applicant and as such, he was not entitled for stepping up of pay on par with Sivasankaran Pillai.

3. Counsel appearing on both sides were heard. Learned counsel for the applicant urged before me that in the case of the applicant the pay of the applicant was fixed at Rs.3125/- (Pay +PP), but in the case of Sivasankaran Pillai it is stated in order dated 08.11.95 that the pay of the Sivasankaran Pillai with effect from





IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD

Original Applications No.1498/1997
Date of Order: 30.11.2005

Between:

K. Kondala Rao

... Applicant

And

1. The Chairman,
Telecom Commission,
Telecommunication,
New Delhi.
2. The Chief General Manager,
Telecommunications,
Gujarat Circle, Ahmedabad.
3. The Telecom Dist. Manager,
Bhuj, Kutch, Gujarat,
Telecommunications.
4. The General Manager,
Telecommunications,
Bhuj, Kutch, Gujarat.
5. The Chief General Manager,
Telecommunications,
A.P. Circle, Hyderabad.

... Respondents

Counsel for the applicant ... Dr. K. Lakshmi Narasimha
Counsel for the respondents ... Sri V. Rajeswara Rao

CORAM:

The Hon'ble Justice Mr R.K.BATTA ... Vice-Chairman

ORAL ORDER
(As per Hon'ble Justice Mr. R.K.BATTA, Vice-Chairman)

The applicant seeks refixation of salary on par with Sivasankaran Pillai without bifurcating the pay as pay + PP with all consequential reliefs. He

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ordering stepping up of pay of the applicant along with Sivasankaran Pillai, but the said order further stated that the stepping up of the pay of the applicant is provisional and subject to revision after examination of his case with reference to his immediate junior. The pay of the applicant was fixed at Rs.3125/- which included pay + PP whereas pay of Sivasankaran Pillai was fixed at Rs.3125/- and the order stated that the pay of Sivasankaran Pillai with effect from 05.07.94 (pay and PP) are not available. The applicant had made several representations against this order wherein he had claimed that his pay was to be fixed on par with Sivasankaran Pillai without bifurcating the pay as pay +PP. But it appears that the said representations have not been disposed of. Subsequently, vide order dated 03.06.96 a sum of Rs.9357/- was ordered to be deducted from the gratuity of the applicant on the ground of over-payment of pay and allowances. Learned counsel for the applicant has urged before me that no notice whatsoever was issued prior to this order. I have already pointed out that the respondents are trying to justify this order on the basis of the case of Ved Bhushan who is said to be immediately junior to the applicant. Their case is that the applicant is not entitled for stepping up of pay on par with Sivasankaran Pillai. Order dated 03.06.96 does not give any indication as to how and on what basis the overpayment of pay and allowances has been worked out as Rs.9357/- which was recovered from the gratuity of the applicant. Any subsequent justification given in the reply cannot substantiate the said order dated 03.06.96 which was issued without any notice whatsoever. Therefore, the order dated 03.06.96 is liable to be quashed and set aside and the same is hereby quashed in so far as it pertains to the deduction of Rs.9357/- and the said amount is ordered to be refunded to the applicant within a period of three months from the date of the order with 10% interest thereon from the time it was deducted till the payment is effected.

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05.07.94 (pay + PP) are not available. He therefore contends that the fixation of pay of the applicant at Rs.3125/- ~~shall have the same~~ as Pay + PP is wrong since in the case of Sivasankaran Pillai his pay alone is fixed at Rs.3125/- Learned counsel for the applicant has further argued that no notice was given to the applicant before issuing order dated 03.06.96 vide which a sum of Rs.9357/- has been deducted on the ground of over-payment of pay and allowances from the gratuity. He therefore contends that the orders dated 08.11.95 and 03.06.96 are liable to be quashed and directions be issued to the respondents to refix the pay of the applicant on par with Sivasankaran Pillai without bifurcating the pay as pay +PP and also to fix the pension accordingly. He also contends that the recovery ordered has to be quashed.

4. Learned counsel for the respondents tried justified the recovery on the strength of the case of one Ved Bhushan who was stated to be immediately junior to the applicant. According to the learned counsel for the respondents, the applicant is not entitled to stepping up of pay on par with Sivasankaran Pillai in as much as the pay of the applicant has to be fixed keeping in view the pay of his immediate junior in terms of the judgment of the CAT, Jabalpur Bench in OA 773/91 and the application is liable to rejected.

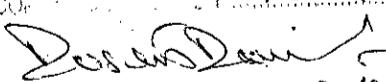
5. The applicant along with others had filed OA 773/91 before the Central Administrative Tribunal, Jabalpur Bench in which he had claimed seniority as well as consequential benefits on par with their juniors. The Tribunal vide order dated 20.07.1994 held that the applicant would be entitled for refixation of their present pay which shall not be less than the pay of those who were immediately below them. Consequent to the said judgment, order dated 08.11.95 was passed

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6. In so far as the order dated 08.11.95 is concerned, the said order was provisional order and was subject to revision after examination of his case with reference to his immediate junior. However, it appears that no further order has been passed by the respondents with reference to the order dated 08.11.95 and the respondents in the reply have tried to suggest that the applicant is not entitled for stepping up of pay on par with Sivasankaran Pillai but his pay is to be fixed with reference to one Ved Bhushan who was immediately junior to the applicant. I have already stated that the applicant had made representations to the respondents with reference to the order dated 08.11.95 which were not disposed of by the department. In this view of the matter, it is considered necessary that directions be given to the respondents to consider the said representations filed by the applicant and pass speaking and reasoned order with reference to the order dated 08.11.95 in accordance with the directions in the judgment dated 20.07.94 of the Central Administrative Tribunal, Jabalpur Bench in OA 773/91 within a period of three months from the date of receipt of the order. The application is allowed in the aforesaid terms with no order as to costs. The respondents shall report compliance of the directions given in this order after three months ^{plus} except the time taken for service of the order on the respondents and the matter be listed on board for that purpose.

प्रमाणित प्रति
CERTIFIED-TRUE COPY

केस संख्या: OA 1478/97
CASE NUMBER: 1478/97
नियमित दिनांक: 30/11/05
DATE: 30/11/05
प्रमाणित दिनांक: 31/12/05
CERTIFIED DATE: 31/12/05
CO


अधिकारी का नाम: डॉ. विजय कुमार
Name of the Officer: Dr. Vijay Kumar
सेक्टर: नियन्त्रित विभाग
Sector: Controlled Sector
केन्द्रीय नियन्त्रित विभाग
Central Admin. Controlled Sector
केन्द्रीय नियन्त्रित विभाग, जबलपुर बैच
Central Admin. Controlled Sector, Jabalpur Bench

~GM
~P1
~A

R-2



9-

Bharat Sanchar Nigam Limited
(A Govt. of India Enterprise)



BHARAT SANCHAR NIGAM LTD.

Court matter / Immediate
O/o Chief General Manager,
Gujarat Telecom. Circle
Telephone Bhavan, C.G. Road
AHMEDABAD - 380 006

No. Legal/Misc./GMTD BHUJ/2005/108 Dated at Ahmedabad the 05.06.06

Shri C. Suryachandra Rao
Asstt. General Manager [Legal]
O/o Chief General Manager Telecom.,
Andhra Pradesh Circle,
HYDERABAD-500 001.

Sub.: Implementation of judgment dated 30.11.2005 given by Hon'ble CAT
bench at Hyderabad in OA 1498/1997 filed by Shri K. Kondal Rao Vs.
CGMT, Gujarat Circle, CGMT, A.P. Circle and others -Regarding.

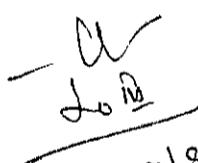
Ref.: Your office letter No. TA/LC/12-21/98 dated 07.04.2006

This office letters of even No. Dated 04.05.2006 & 31.05.2006

Kindly refer to above letters on subject. The copy of BSNL/HQ New
Delhi letter No. 4-9/2006-PAT(B) dated 01.05.2006 has been forwarded to
your office, vide this office letter dated 04.05.2006, to seek three months time
extension beyond 10.03.2006 from the Hon'ble Tribunal, Hyderabad for
disposing off the representation of the applicant.


In this connection, it is requested to take necessary action, to seek for
further three month's time extension, beyond 10.06.2006 from Hon'ble
Tribunal, Hyderabad, as it is likely to take some more time for issuance of
speaking order by CGMT, Gujarat Circle, Ahmedabad.

This is most urgent please.


To B
JMS
16/6/06

[Y. K. Pathi
Asstt. General Manager (Legal)
T. 26481402 FAX 26481409

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL ,HYDERABAD

AT HYDERABAD

M.A. No. of 2006

IN

M.A(SR) 1007 of 2006

IN

O.A.NO. 1498 of 1997

Misc / Extension Petition



Filed on: 3 - 7 - 2006.

Filed by

Mr. Rajeswara Rao
(Counsel for the
petitioners/respondents)

MA 336/06 in OA No 93/17

प्रिया अधि. DUPLICATE

पुर लंबार TELECOM

24/08/06

मामला/BENCH CASE

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

MA is dismissed

with no cost vide

M.A. NO. 336 OF 2006

order on ~~Repa~~

IN

NA/01007/2006 W

OA docket sheet

O.A. NO. 1498 OF 1997

H(GT)
H(W), H(BR)

51

~~extension of time
for Amended Petition~~

Mr.

COUNSEL FOR THE APPLICANT

AND

Mr. V. Jayavarapu

Sr. CGSC/Addl. CGSC/SC for Rlys

AND

Mr. K. Lakshminarayana

DATA ENTERED

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA No 1498 of 1997

Between:

K Kondal Rao

Applicant(s)

Vs

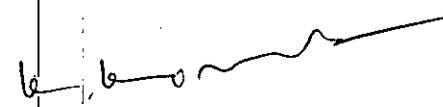
**1. The Chairman, Telecom Commission, Telecommunications, New Delhi and 4
others.**

Respondent(s)

REJOINDER AFFIDAVIT FILED BY THE APPLICANT

I K Kondal Rao, aged 69 years, S/o Sri Sambha Murthy, Occ: Retired SDOT, R/o Hyderabad do hereby sincerely and solemnly state on oath as under. I have read the counter affidavit filed by the official respondents and give my rejoinder as under.

1. I respectfully submit that no revisional order was ever passed by the respondents cancelling their earlier orders of pay fixation done to me on par with Sri Sivashankaran Pillai. I was allowed to retire with the said pay fixation and now in the counter, for the first time, the department has raised the ground that they have compared my pay with my immediate junior Sri Ved Bhushan and accordingly they have fixed my pay. This is wholly illegal and contrary to law. The pay fixation on par with Siva Shankaran Pillai was done in the year 1995 and till date neither I was informed about this so-called Ved Bhushan. I am not aware of any such Ved Bhushan and no seniority list is ever filed and all these contentions are false and are hereby denied. In any case that is not scope of this OA. The only thing, which I have questioned, was regarding the personal Pay paid to me while the same was not done in the case of Sri Siva Shankaran Pillai. Since he was not paid any PP, the department could not have paid me by way of PP. That was only the controversy in this regard and nothing more. The Department did not dispute to that point/issue raised by me and hence on this ground alone MY OA may kindly be allowed with costs. The department cannot be allowed to raise such untenable grounds in the counter affidavit, which the impugned order itself does not speak of. When it is admitted that the said Mr Pillai's pay did not include PP then my salary also should not include any PP and instead my basic must be revised on par with him. There is

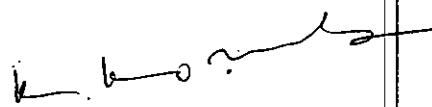


no question of comparing my case with the so-called Ved Bhushan. Further no particulars are given about him and in the absence of the same such contentions deserves to be rejected such. IN any case before making such an order no notice was given to me and hence on this ground also the impugned order to the extent of PP requires to be set aside as such and that amount be added to my salary so that I can get revised upward pension as was earned by Sri Pillai and so many other similarly placed persons. Now I am aged person having been retired from service and I did not have any material with me so as to compare all these things. The department having raised such untenable grounds did not choose to file any supporting documents and hence on this ground also My OA may kindly be allowed. Moreover I am an aged person having suffered Paralysis during 2000-2003 and I am not keeping good health. In so far as the contention of multiple relief are concerned it is humbly submitted that these are all consequential reliefs and in any case, the Honble High court has allowed by WP and held that my case be decided on merits. Hence that ground is also untenable.

For the reasons stated above, I humbly pray that this Honble court may be pleased to allow my OA with costs and pass such other orders as are deemed fit and proper in the circumstances of the case.

Hyderabad

28-11-2005


Deponent

File No/Case No 30-11-05

Intu Central Administrative

Tribunal, Hyderabad, Andhra Pradesh

Case No 1498 / 1997



Rejoinder Affidavit

~~Read copy~~

~~Answer~~

~~29/11~~

~~V. Lakshmi~~



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concern for the petitioner