

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT: HYDERABAD

O.A. No. of 1997

BETWEEN:

K.A.S. Pillai, S/o. K. Arunachala Pillai,
aged about 53 years, Asst. Engineer,
Telecom Civil Sub-Division, Tirupathi.,

APPLICANT

A N D

1. Chairman, Telecom Commission, Sanchar Bhavan, 20, Ashoka Road, ~~Hyderabad-20~~ New Delhi.
2. Senior Director General, (BW), Dept. of Telecommunications, Sanchar Bhavan, Ashoka Road, New Delhi-500 001.
3. The Chief General Manager, AP Circle, Doordarshan Bhawan, Nampally R.S. Road, Hyderabad-500 001.
4. The Chief Engineer, Telecom, Civil Zone, 5-1-885, Koti, Hyderabad-500 095.
5. The Superintending Engineer, Telecom Civil Circle, Chikkadpally, Hyderabad-500 020.

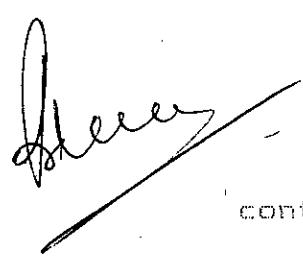
RESPONDENTS

DETAILS OF THE APPLICANT:

Address for service of summons/ notices on the applicant: SANKA RAMA KRISHNA RAO
ADVOCATE, 1-8-539/C,
II Floor, Chikkadpally,
HYDERABAD-20.

1. Particulars of the order against which the application is made:

"This application is against the impugned inaction of the Vth Respondent as in granting the pay fixation benefits in the scale of Rs.2000-3500/- under the provisions of FR 22(1)(a)(i), consequent on promotion to the post of Assistant Surveyor of works (AE Cadre) having shouldered higher responsibilities in the grade of AE, to the detriment of the interests of the applicant, who is already functioning as Asst. Surveyor of Works in the Vth Respondent's office.



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2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the order against which the applicant wants redressal is within the jurisdiction of the Tribunal u/s.14(1) (b)(ii) of the Administrative Tribunals Act, 1985.

3. LIMITATION:

The applicant further declares that the application is within the limitation period prescribed in Section 21(1)(a) of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE:

(1) The applicant was appointed as Junior Engineer (Civil) in P&T (Civil Wing) with effect from 20.01.1977. As per the existing rules, in Civil Wing of Department of Telecommunications, Junior Engineers (Civil) are recruited in the scale of Rs.1400-2300, at entry level and after completion of 5 years of service in the grade, subject to fitness, the Junior Engineers are placed in the scale of Rs.1640-2900/-. The Junior Engineers who have completed a total of 15 years of service, (subject to fitness however) are placed in the next higher scale of Rs.2000-3500. In the case of Junior Telecom Officers, of the same department (Telecom), the eligibility for placing them in higher scale of Rs.2000-3500 is on completion of 12 years of total service.

(2) While the applicant was functioning as Junior Engineer in the Scale Rs.1400-2300/-, the Govt. of India, Ministry of Communication, Telecom Commission, New Delhi issued Orders vide No.6-8/87-CSE dated 9.5.1991 granting a higher scale of Rs.2000-3500/- to the Junior Engineers (Civil) on completion of 15 years in the entry grade of J.E. (Civil) in the pay scale of

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Rs.1400-2300, on the basis of seniority-cum-fitness. The said orders further stipulated that the higher scale of Rs.2000-3500/-, is a non-functional scale as there will be no change in the duties and responsibilities. It has been further decided in the said orders that the Junior Engineers (Civil/Electrical) of P & T Civil Wing who could not be promoted to the post of Asst. Engineer (C/E) in the pay scale of Rs.2000-3500/- due to the non-availability of vacancies in the Grade of Asst. Engineers shall be allowed the scale of Asst. Engineers i.e., Rs.2000-3500/- on a personal basis, after completion of 15 years of service in the grade, computed from the date of entry in the basic grade of Rs.1400-2300/- on the basis of seniority-cum-fitness. It was further stated in the same orders that as and when regular vacancies in the grade of Asst. Engineer (C/E) become available the Junior Engineers (C/E) enjoying the personal promotion shall be adjusted against those vacancies, subject to observance of normal procedure. The benefit of fixation of pay under the provisions of FR 22(I)(a)(i) shall be allowed at the time of granting the personal scale of Rs.2000-3500/-.

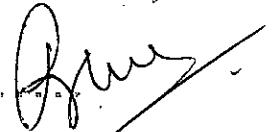
(3) It is further submitted that in the light of the order dated 9.5.1991, the applicant who had completed 15 years of service in the grade, computed from the date of entry in the basic grade of Rs.1400-2300/- was placed in the pay scale of Rs.2000-3500/- w.e.f. 1.1.1992. The applicant was given lateral promotion w.e.f. 1.1.1992 after completion of 15 years of service as Junior Engineer (Civil) in the scale of Rs.2000-3500/- without higher responsibilities with reference to the DoT, New Delhi Lr.No.6-8-87-CSE dated 9.5.1991.

(4) It is further submitted that as the vacancies were available, the 1st Respondent had promoted the applicant in regular vacancy as Assistant Surveyor of works w.e.f. 22.6.92 in

pay scale of Rs.2000-3500/-.. In the said order, it was clearly specified that though the officials who have been working as AE (Civil) (in the applicant's case as ASW(C) on adhoc basis shall continue to be posted at the same post until further orders. Accordingly the applicant was deemed to have been promoted as ASW (C) w.e.f. 22.6.1992, consequent on his vertical promotion for all purposes. The applicant was entitled to pay-fixation on account of the vertical promotion under FR 22 (1)(a)(i), since he had assumed the charge of higher responsibility w.e.f. 22.6.92. The applicant was denied the benefit of the provisions contained under FR 22(1)(a)(i) by the Vth Respondents.

(4) As per the instructions contained in the DoT, New Delhi Lr.No.4-3/94-PAT, dated 2.9.1994 and 28.10.94, it was envisaged that notional fixation of pay has to be allowed to officials from the date of promotion effected after 1.1.1990, i.e., the date from which the lateral advancement schemes were introduced. Under the said instructions, it is also stipulated that the actual benefits would be given from 1.4.1994 i.e., from the beginning of that particular financial year 1994-95. The other conditions contained in letter dated 2.9.1994 have remained un-changed. As per the instructions contained in the letter dated 2.9.1994 it was also stipulated that even adhoc promotion against the clear vacancy for indefinite period, but, however likely to be regularised without break will also carry the higher responsibility and therefore the applicant is entitled for the benefit of FR (22)(I) (a)(i), w.e.f. 22.6.1992. In the light of the clear instructions mentioned above, the applicant made representations to the Ist Respondent on 27.1.1995, which was recommended for consideration by the EE, PCD, Hyderabad to extend the benefits as requested by the applicant vide his Lr.No.9(10) PCDH/95/2933 dt.7.2.1995. Having come to know that one of his junior Mr. B. Venkatswamy, JE to AE(C) was given the relief, the

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applicant had also made his second representation to 1st Respondent on 18.3.1997, requesting to extend the benefit, is still pending its disposal. As the applicant who is similarly placed like that of JTOs of Telcom has no other alternative except to approach this Hon'ble Tribunal seeking redressal of his grievance. Hence this application before the Hon'ble Tribunal.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

(1) It is respectfully submitted that the provisions contained in FR 22(I)(a)(i) clearly indicate that:

FR 22: (I) The initial pay of a Government servant who is appointed to a post on a time-scale of pay is regulated as follows:

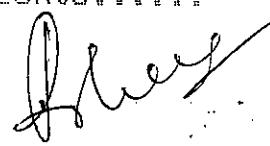
(a)(i) Where a Government servant holding a post, other than a tenure post, in a substantive or temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity, as the case may be, subject to the fulfilment of the eligibility conditions as prescribed in the relevant Recruitment Rules, to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him, his initial pay in the time-scale of the higher post shall be fixed at the stage next above the notional pay arrived at by increasing his pay in respect of the lower post held by him regularly by an increment at the stage at which such pay has accrued.

(2) It is submitted that the applicant was given the higher scale of pay consequent on completion of 15 years of service and was placed in the scale of Rs.2000-3500/- even before the promotion to the cadre of Asst. Engineer. Initially he was promoted on adhoc/temporary basis, which promotion continued till

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he was regularised. The promotion to the post of Asst. Engineer from the post of Junior Engineer (Civil) involves higher responsibility and duties of higher nature, and therefore under the rules quoted above i.e., FR22 (I)(a)(i), the applicant was entitled for the benefit of fixation of pay consequent on his promotion to AE's cadre under the said rule. The applicant was already placed in the higher scale of pay of Rs.2000-3500/- due to his lateral promotion on completion of 15 years of service in the basic grade of JE(C). On his promotion to the next cadre of Assistant Engineer in a vertical promotion, he should have been granted the higher fixation of pay as per the rule stated supra. The Rule FR 22(I)(a)(i) clearly lays down that promotion to substantive or temporary or officiating capacity as the case may be in a post carrying higher duties and responsibilities of greater importance than those attached to the post held by him, the initial pay in the time scale of the higher post shall be fixed at the stage next above the notional pay arrived at by increasing his pay in respect of the lower post held by him on regular basis by an increment at the stage at which such pay has accrued. In the light of the clear instructions of FR 22 (I)(a)(i), the applicant should have been granted one increment consequent on his promotion to AE cadre and another increment for shouldering higher responsibilities and duties. It is evident from the situation that the applicant continued to draw the pay scale of Rs.2000-3500/- both in the cadre of JE's (consequent on lateral promotion by virtue of 15 years of service in the basic grade), and also in the promoted post of Asst. Engineer, carrying the very same scale of Rs.2000-3500/- inspite of the post being higher in grade and carrying the higher duties and responsibilities. It is also clearly stipulated that this benefit is available even for the post of temporary/adhoc nature and irrespective of the period of the post held by the official.

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3. Whereas the Respondents have no locus-standi to reject the claim of the Applicant. This observation itself is in clear violation of the rules framed there under and the specific provision provided under FR 22(I)(a)(i) of FR & SR Rules. The impugned order issued is in clear violation of the rules under FR & SR and needs to be set aside in liminae, duly granting the benefits under FR 22(I)(a)(i) to the applicants herein.

4. It is further submitted that the other Departments of the Govt. of India i.e., CPWD etc., have already granted and implemented the pay fixation in similar circumstances.

(5) It is further submitted that in the similar circumstances one official Sri M. Babu Prasad, working as Asst. Director (MARR PTS) in the office of the IIIrd Respondent, who was similarly placed was granted the benefit of fixation of pay under FR 22 (I)(a)(i) vide order No.TA/ACA/16-4/93-94 dated 13.11.1994. Similarly another official by name Sri B. Venkataswamy JE to Assst. Engineer (C) of Nizamabad Sub-Division was also granted the same vide order No.59(2)/TCDH-I/96/774 dt.25.7.1996. While on one hand the Respondents have been implementing the instructions of DoT and granting reliefs to juniors to the applicants, the same benefit was denied to the applicants on the other hand in violation of principles of natural justice.

Therefore, it is just and proper that this Hon'ble Tribunal may be pleased to direct the Respondents to grant the reliefs prayed for in this OA and be pleased to pass such other and further orders as deemed necessary.



6. DETAILS OF THE REMEDIES EXHAUSTED:

The applicant declares that he had availed of all the remedies available to him under the relevant service rules.

Aggrieved against the inaction on the part of the Respondents in fixing the pay of the applicant consequent on both lateral and vertical promotions to the cadre of AE, he had represented on 27.1.1995 and 13.3.1997 respectively. The Applicant had made appeal to 1st Respondent on 13.3.1997, which is not responded. As the applicant who is similarly placed, has no other alternative except to approach this Hon'ble Tribunal.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:

The applicant further declares that he has not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any other court or any other authority or any other Bench of this Tribunal, nor any such application, Writ Petition, or suit is pending before any of them.

8. RELIEF(S) SOUGHT:

In view of the facts mentioned in para (4) above, the applicant prays for the following relief(s):

It is respectfully prayed that the Hon'ble Tribunal may be pleased to direct the Respondents to grant the fixation of pay under FR 22 (I)(a)(i) to the applicant, consequent on shouldering higher responsibilities and duties in the cadre of Asst. Engineer (Civil), with effect from 22.6.1992 with all the consequential benefits, declaring the denial of the benefits as arbitrary, illegal, un-warranted and in violation of Articles 14 & 16 of the Constitution and in violation of rules framed under FR/SR, and be pleased to pass such other and further order or orders as the Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

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9. INTERIM ORDERS IF ANY PRAYED FOR:

Pending final decision on the application the applicant seeks the following interim relief(s):

It is respectfully prayed that in view of submission made above, the Hon'ble Tribunal may be pleased to decide the OA by fixing an early date for final hearing, in order to enable him to reap the fruits of the orders of this Hon'ble Tribunal, pending disposal of the OA and be pleased to pass such other and further order or orders as the Hon'ble Tribunal may deem fit and necessary in the circumstances of the case.

10. NOT APPLICABLE:

11. PARTICULARS OF THE BANK DRAFT/POSTAL ORDER filed in respect of the application fee:

1. D.D./P.O. No. 814 921021

2. Date: 5/11/97

3. Fee: Rs.50/-

4. Name of the office of issuer: Parishram Bhavan

5. Name of the office payable at: G.P.O. Hyderabad.

12. LIST OF ENCLOSURES:

S1.No. Details of the documents

Annexure 1.P.O./D.O./D.Removed

AS PER INDEX

VERIFICATION

I, K.A.S. Pillai, S/o. K.A. Pillai aged about 53 years, Asst. Engineer, Telecom Civil Sub-Division, Tirupathi, do hereby verify that the contents of paras 1 to 4 and 6 to 12 are true to the best of my knowledge and belief and para 5 believed to be true on legal advice.

Hyderabad.

Date: 31.10.1997

COUNSEL FOR THE APPLICANT.

free SIGNATURE OF THE APPLICANT

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From:-

K.A.S. PILLAI,
Assistant Engineer,
Postal Civil Sub Division,
Tirupathi - 507.

TIRUPATHI

DATED: 13-3-97

To

The Chairman,
Telecom Commission,
No.1 Ashoka Road,
Parliament Street,
New Delhi.

Sir,

(THROUGH PROPER CHANNEL)

Sub:- Implementation of FR 221(a)1 the Pay
fixation vertical promotion as A.E. -
Reg.

Ref:- My earlier representation dt. 27.1.95

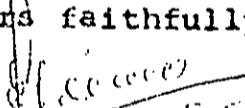
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Kindly refer to my representation cited above and
several reminders there on regarding fixation of pay of J.E.(C)
when got regular vertical promotion in the scale of Rs.2000-3500
after getting personnel scale of 2000-3500 on completion of
15 years of service.

It is once again requested to cause immediate action in
the matter, since this issue is very badly delayed.

Thanking you,

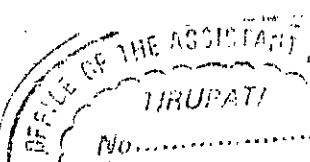
Yours faithfully,


(K.A.S. PILLAI).

Dated: 13-3-97


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By Regd. Post

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Date.....

भारतीय डाक विभाग/DEPARTMENT OF POSTS, INDIA
कार्यालय/Office of the CIVIL CSD
No. 9(10)PCDH/95/2933 Dt. 7-7-95.

To
The Superintending Engineer
Postal Civil Circle,
BOMBAY - 28.

Sub: Forwarding of representation
for the grant of pay fixation
under FR 22(1) (a) (1) of
Sri.K. A. S. Pillai, AE - reg.

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Please find herewith enclosed
one representation received from Sri.
K.A.S. Pillai, Asst Engineer, Postal
Civil Sub-Division, Tirupati addressed
to the Chairman, Telecom Board, New
Delhi regarding grant of pay fixation
benefit under FR 22(1) (a) (1) for
onward forwarding to the higher auth-
orities.

Encl: One

Sd/
Executive Engineer
Postal Civil Division
Hyderabad - 1.

Copy to:
Sri.K.A.S. Pillai, Asst. Engineer,
Postal Civil Sub-Division, Tirupati
for information.

SD/
Executive Engineer

7/7/95

PIG/8-7/93-94, 10000 Panchavati Art Printers, Hyd.

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From : K.A.S. Pillai
Assistant Engineer (Civil)
Postal Civil Sub Division
Tirupati-517 507

To

The Chairman
Telecom Board
No.1 Ashoka Road
New Delhi.

Sir,

Through proper channel.

Sub : Grant of pay fixation benefit under FR 22(1)(a)(1)
for JE Civil and AE Civil on their vertical promotion
Reg.

Ref : 1. DOT. No. 4-5/94-PAT dt.28.10.94.

2. DOT. No. 7-1/93-SEA (Pt) dt. 22.12.93.

I beg to submit the following facts for your kind considera-
and favourable early orders.

I submit that I have been given Rs 2000-3500 scale when I
have completed 15 years of service as JE on 1.1.92 and my pay
was fixed in accordance with FR 22 (1)(a)(1). Later I got
regular promotion and joined on 22.6.92 as vertical promotion as AE.
But, my pay was not fixed as per FR 22(1)(a)(1).

In this connection, I appeal to your goodself that FR 22 (1)(a)
(1) facility in respect of JEOs and SDEs were given in vertical
promotion vide reference 1 cited above and for AAO, AOs and SAOs
were given vide reference 2 cited above. The same facility has
been deprived for JEs and AEs of civil wing in the department.

Hence, I request your goodself, kindly to extend the same
benefit to the civil wing JEs/AEs in respect of those who got
vertical promotion for which act of kindness I shall be grateful
to you sir,

Thanking you sir.

Yours faithfully,

K.A.S. Pillai
(K.A.S. Pillai)

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(9) given on fitness basis. As and when regular vacancies in the cadre of Assistant Engineer/Assistant Director(Horticulture) arise, the Junior Engineers/sectional officers enjoying personal promotion will be adjusted against these vacancies, subject to observance of normal procedure.

(iii) In the matter of pay fixation, the Junior Engineers/sectional officers(Horticulture) allowed the personal scale of Rs.2000-3500 will get the benefit of F.R.22(I) (a) (1).

(1.) On being granted personal promotion the Junior engineer/sectional officer(Horticulture) will continue to perform the same duties/functions of Junior engineer/sectional officer(Horticulture).

2. This order supersedes all other orders issued in regard to revised pay scales of Junior engineers/sectional officers(Horticulture) in the CPWD, based on the recommendations of the Fourth Central pay Commission.

3. The orders regarding placement in the scale of Rs.1640-2900 after 5 years of service will be effective from 1.1.86 while those relating to personal promotion after 15 years of service will be effective from 1.1.91.

4. This issues with the concurrence of Finance Division(W&E) vide their No.629/W&E/DI/91, dated 21.3.1991.

Yours faithfully,

(S. Ranganathan)
Deputy Secretary to the Government of India

Copy to:-

1. Ministry of Finance, Department of expenditure with reference to D.O.No.5(33)/90-MITI/135/SW/90-1, dated 3.9.90.
2. The Department of personnel and training with reference to their D.O.No.1/4/89-pay pt.II dated 4.9.90.
3. The Cabinet secretariat with reference to their communication No.50/CM/90, dated 5.11.90.
4. Copy for information to Finance Division(W&E), ministry of urban Development, with reference to No.629/W&E/DI/91, 21.3.1991.

Copy to P.S. to UDM/Secretary/NS(W)/ JS(WA)

(S. Ranganathan)
Deputy Secretary to the Govt. of India

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No.12014/2/87-EW
Government of India
Ministry of Urban Development
(Works Division)

New Delhi, dated 22.3.1991

To

The Director General (Works),
CPWD, Tuftanip Bhawan,
New Delhi

(with 50 spare copies)

Subject: Pay-scale of Junior engineers of CPWD

sir,

I am directed to say that the question of grant of uniform pay-scale of Rs.1640-2900 to all the Junior engineers and sectional officers (Horticulture) of CPWD and grant of personal promotion to them had been under consideration of the Government for quite sometime. After careful consideration, it has now been decided by Government as under:-

(i) There will be two scales of pay for Junior engineers/sectional officers(Horticulture) in the CPWD, viz. Rs.1400-2800 and Rs.1640-2900 and the incumbents thereof will be designated as Junior engineer/sectional officer(Horticulture) in the grade of Rs.1400-2300, and, Junior engineer/sectional officer(Horticulture) in the grade of Rs.1610-2900. The entry grade will be Rs.1400-2300, the Junior engineers/sectional officers(Horticulture), on completion of 5 years service in the entry grade, will be placed in the scale of Rs.1640-2900, subject to the rejection of unfit. This higher grade will not be treated as a promotional one but will be non-functional and the benefit of FR 22(5) (a) (i) will not be admissible, while fixing the pay in the higher grade, as there will be no change in duties and responsibilities.

(ii) Junior engineers/sectional officers(Horticulture), who could not be promoted to the post of Assistant engineer/Assistant Directors(Horticulture) in the scale of Rs.2000-3500, due to non availability of vacancies in the grade of Assistant engineer/Assistant Director(Horticulture), will be allowed the scale of Assistant engineer/Assistant Director(Horticulture) i.e. Rs.2000-3500, on a personal basis, after completion of 15 years of total service as Junior engineer/sectional officer (Horticulture). This personal promotion will be

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(b) As per the aforesaid Government decision, this Directive dated O.M. No. M-11014/1/86-EC VI (vol. II) dated 5.6.1987, 11.6.1987 & 4.5.1990 and O.M. No. 26017/1/89-EC VI dated 18.5.1989 hereby stand cancelled.

3. With effect from 1.1.1991, the Junior Engineers (Civil & Electrical) and the Sectional Officers (Horticulture) of CPWD, on their completion of 15 years service may also be given further higher Pay Scale of Rs.2000-60-2300-EB-75-3200-100-3500 on personal basis. This personal promotion will be given on fitness basis subject to vigilance clearance by a DPC comprising of:-

- (i) Superintending Engineer concerned;
- (ii) Another Superintending Engineer; and
- (iii) An Executive Engineer, preferably belonging to SC/ST Community.

In the case of the Sectional Officers (Horticulture), CPWD, the DPC will comprise:-

- (i) Director (Horticulture)
- (ii) Additional Director (Horticulture); and
- (iii) Deputy Director (Horticulture), preferably belonging to SC/ST Community.

4. While granting personal promotion to the scale of Rs. 2000-3500, the following conditions may be specified in the order to the individual Junior Engineers/Sectional Officers concerned:

- (i) the Pay Scale of Rs.2000-3500 has been allotted to them purely on personal basis and as and when regular vacancies in the Cadres of Assistant Engineers/Assistant Directors (Horticulture) arise, the Junior Engineers/Sectional Officers enjoying this personal promotion will be adjusted against those vacancies subject to observance of normal procedure.
- (ii) on being granted this personal promotion, they will continue to perform the same duties/functions of the Junior Engineers/Sectional Officers (Horticulture).
- (iii) in the matter of pay fixation allowing them personal scale of Rs. 2000-3500, they will get benefit of FR22(I) (a) (i).

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Government of India
Directorate General of Works
Central Public Works Department
Executive Engineers
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हिंदुबाबाद के द्वाय

NO: A-11014/1/91-EC VI

New Delhi, Hyderabad Central Di
the 27/1/33

OFFICE MEMORANDUM Central Public Works

सलता ॥ २ ॥ १० ॥

Subject :- Pay Scale of Junior Engineers (Civil & Electrical) of CPWD and Sectional Officers (Horticulture) of C.P.W.D.

The undersigned is directed to refer to the Government of India's decision contained in the Ministry of Urban Development letter No. 12014/2/87-EW.2 dated 22.3.1991 (Copy enclosed for guidance and necessary action) and to say that with effect from 1.1.1986 the Junior Engineers (Civil & Electrical) and the Sectional Officers (Agriculture) of CPWD on their completion of 5 years service in the entry grade Pay Scale of Rs. 1400-40-1800-EB-50-2300 (Pre-revised Pay Scale of Rs. 425-15-500-EB-15-560-20-700) may be placed in the higher grade pay scale of Rs. 1640-60-2600-EB-75-2900, subject to the rejection of unfit and vigilance clearance, by a DPC comprising :-

(i) Superintending Engineer concerned;
(ii) Another Superintending Engineer; and
(iii) An Executive Engineer, preferably belonging to SC/ST Community.

In the case of the Sectional Officers (Horticulture), the DPC will comprise:-

- (i) Director (Horticulture)
- (ii) Additional Director (Horticulture); and
- (iii) Deputy Director (Horticulture), preferably belonging to SC/ST community.

2. (a) While granting the higher grade scale of Rs. 1640-2900, as mentioned above to the Junior Engineers (Civil & Electrical) & the Sectional Officers (Horticulture) the following conditions may be specified in the order to the individual Junior Engineers/Sectional Officers concerned;

the higher grade of scale of Rs.1640-2900 will not be treated as a promotional one but will be non-functional, and the benefit of FR22C now FR22(I) (a) (i) will not be admissible to them, as there will be no change in their duties and responsibilities.

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5. S.Es'/SSWs'/Director of Horticulture are requested to take immediate action to hold the DPC meetings to implement the decision within six weeks from the issue of this O.M. and send a report of compliance to this Directorate within a week of holding the DPC meetings alongwith the copies of the orders issued.

6. This issues with the concurrence of the Ministry of Urban Development.

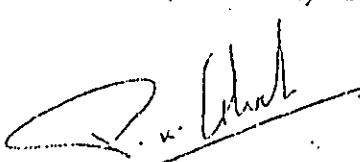

(Sunil Mohan Das)
Deputy Director of Administration

To

1. All Chief Engineers of CPWD, Valuation & Appropriate Authorities of Income Tax Department.
2. All SEs/SSWs/Director of Horticulture in CPWD.
3. Ministry of Urban Development with reference to their letter No. 12014/2/5/-EW.2 dated 22.3.1991.

Copy to:-

1. EC.I/II I.II & IX Sections.
2. PS to D.G(W)/WDGS/DDG/PA to D.A./DDA-I/DDA-II/DDA-III/
ED(T)


(P.K. Ghosh)
Section Officer

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GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
TELECOM COMMISSION

No. 6-8/87-CSE

NEW DELHI

Dt. 09.05.91

ORDER

Sub:- Pay scale of Junior Engineers(C/E) of P.&T Civil Wing - Regarding.

The undersigned is directed to say that the question of grant of pay scale of Rs. 1640-2900 to the Junior Engineers(Civil/Electrical) of P&T Civil Wing has been under consideration of this department for quite sometime.

2. After careful consideration, the Telecom. Commission has been pleased to decide as under:-

- (i) The Junior Engineer(C/E) of P&T Civil Wing shall be initially appointe in the scale of pay of Rs. 1400-40-1800-EB-50-2300 at the entry level. These Junior Engineers(C/E) shall, on completion of 5 yrs. service in the grade, be placed in the scale of pay of Rs. 1640-60-2600-EB-75-2900 on the basis of seniority-cum fitness. This higher grade shall not be treated as promotional grade but shall be a non-functional one and the benefit of FR 22(i)(a)(i) will not be admissible while fixing the pay in the higher grade, as there shall be no change in the duties and responsibilities.
- (ii) It has further been decided that the Junior Engineers (Civil/Electrical) of P&T Civil Wing who could not be promoted to the post of Asst. Engineers (C/E) in the pay scale of Rs.2000-60-2300-EB-75-3200-100-3500 due to the non-availability of vacancies in the Grade of Asst.Engineers shall be allowed the scale of Asst.Engineer, i.e. Rs.2000-3500, on a personal basis, after completion of 15 years of service in the grade, computed from the date of entry in the basic grade of Rs.1400-2300, on the basis of seniority-cum-fitness. As and when regular vacancies in the grade of Asst. Engineer(C/E) become available, the Junior Engineers(C/E) enjoying the personal promotion shall be adjusted against those vacancies, subject to to observance of normal procedure. The benefit of fixation of pay under the provisions of FR 22 (i)(a)(i) shall be allowed at the time of granting the personal scale of Rs.2000-3500.

Contd...

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3. The orders regarding placement in the scale of Rs.1640-2900, after 5 years of service will be effective from 01.01.1986 while those relating to placement in the scale of Rs.2000-3500 will be effective from 01.01.1991.

This issues with the concurrence of Telecom finance vide their No. Dy No. 1124/91/92 dated 17.05.1991.

Hindi version follows

Sd/-
(K.S. CHANDRAHASAN)
ASST.DIRECTOR GENERAL(C.W)

Copy to:

1. All Heads of Telecom Circles/Telephone Distts./CGMM,NTR, New Delhi/CGMTF, Guwahati.
2. P.S to Chairman(TC)/Member(P)/Member(F).
3. Sr.DDG(BW)/Director(BW).
4. All CEs(Civil/Elec.) of Deptt. of Telecom/Dept of Posts.
5. All SEs(Civil/Elec)/SSW(Civil/Elec) of Deptt. of Telecom/Dept. of Posts.
6. STN/NCG/CWG/FA-I/Works/A&C Sections.
7. General Secretary, All India Junior Engineers Association, P&T Civil.
8. General Secretary, Electrical Engineers Association P&T Civil.
9. Order Bundle/Guard file.
10. Hindi Section for providing Hindi Stencil.

Sd/-
(N. RAJA)
SECTION OFFICER(CSE)

T/C
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(28/2)

DEPARTMENT OF TELECOMMUNICATIONS

Office of the
Superintending Engineer
Telecom Civil Circle
Hyderabad-20.

No.9(2)SEND/92/1723

Date: 21.12.92.

Sub: Pay scales of J.E(Civil) of P&T
Civil Wing-Regarding.

In accordance with the orders of Telecom Commission No.6-8/87-CSE, dated 9.5.91 and subsequent clarification No.6-6-91 CSE, dated 24.6.91, the following Junior Engineers(Civil) are hereby placed in the pay scales of Rs.2000-60-2300-EB-75-3200-100-3500/- on personal basis with effect from the date mentioned against the officials.

S.no	Name of the official	Unit in which presently working	Date of effect
1.	Sri P.E.V. Prasad.	Chief Engineer(Civil) Telecom West Zone Bombay.	19.1.92
2.	Sri K.A.S.Pillai.	-do-	<u>20.1.92</u>
3.	Sri K. Ramakrishna.	Telecom Civil Dvn.II Hyderabad.	25.7.92
4.	Sri B. Venkat Reddy.	Telecom Civil Dvn.I Hyderabad.	9.8.92
5.	Sri V. Uday Bhaskar Rao.	Telecom Civil Dvn Vijayawada.	25.8.92
6.	Sri K. Radhakrishna Murthy.	P.M.G.Hyderabad.	26.10.92

The officials shall not be allowed to draw any increment in the higher grade unless they pass the departmental qualifying examination.

(B. SREERAMAS MOORTHY)

Superintending Engineer(C)

Telecom Civil Circle, Hyderabad-20.

Copy to:

Adm
17/12/92

1. to 6 Officials.
2. to 9 The E.E.Telem Civil Dvn.I/II/Hyderabad/Vijayawada.
- 10 to 11 The Chief Engineer(Civil) Telecom West Zone, Bombay.
12. The P.M.G.Hyderabad.
- 13 to 20 Spare.

3d
E. A. To S. E
Telecom Civil Circle
Hyderabad-20.

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(21) 22

Department of Telecommunications
Civil Wing

% Superintending Engineer (HQ),
Telecom Civil, Bombay-22.

No. 3(10)93/SE(HQ)/TC/B/168

dt. 27/4/93.

: OFFICE MEMORANDUM :

In accordance with the D.O.T. New Delhi's order No. 6-8/87-CSE, dt. 9.5.91 further clarification under para III of O.M. No. 6-6/91-CSE, dt. 18.3.93 and as approved by SE(C), Telecom Civil Circle, Hyderabad vide his O.M. No. 9(2)/SEHD/92/1723, dt. 21/12/92 the pay of Shri K.A.S.Pillai, ASW(C) after completion of 15 years of service as J.E. is fixed at Rs.2180/- w.e.f. 20.1.92 in the revised scale of Rs. 2000-60-2300-EB-75-3200-100-3500 w.e.f. 20.1.92 with D.N.I. on 1.1.93 under F.R.22 (I)(a) (i) of FK/SR in supersession of this office memorandum No. 3(10)92/SE(HQ)/TC/B/1337, dt. 13.7.92.

Lat Rs. 2240/-

sd/-

Superintending Engineer (HQ),
Telecom Civil, Bombay-22.

Copy forwarded for information and necessary action to:-

✓ 1. Shri K.A.S.Pillai, ASW(C).

2. Account Officer, Telecom Civil Wing No. III, Bombay-22.

3&4: Cashier.

5:- Service Book.

6:- P/F.

7:- Spare.

EA to Superintending Engineer (HQ),
Telecom Civil, Bombay-22.

T/C

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22/23

Copy of communication Nos 7-1/93-SEA(PT) dated 22.12.93 from Sri. Sain Ditta, A.D.G(SEA) of D.O.T, New Delhi addressed to all heads of Circles etc.,

Sub:- Grant of applicability of FR 22(i)(a)(i) (old FR 22C) on promotion from Sr.Accounts Officer (Rs.2200-4000) to the Junior time scale in Indian P.&T Accounts and finance service Group-A (Rs.2200-4000).

In continuation of this office memo No. 10-1/98-SEA, dated 2.11.93, I am directed to forwarded herewith a copy of U.O No 2142/93-Estt (Pay-I), dated 20.12.93 from department of personal and training on the above subject for your guidance and necessary action.

You are requested to revise the pay of officers on promotion from Sr.Accounts Officer to Junior time scale of Indian P&T accounts and finance service wherever necessary. However the actual benefits will be admissible with effect from 1.4.92 only.

Sd/-
(SAIN DITTA)
Asst.Director General (SEA)

Copy of U.O NO.2242/93-Estt(Pay-I) dated 20.12.93 from department of personal and training Estt (Pay-I) section.

Sub:- Grant of applicability of FR 22 (i)(a)(i) (old FR 22C) on promotion from Sr.Accounts officer (2200-4000) to the Junior time scale in Indian P&T accounts and finance service Group-A (Rs.2200-4000) - Reg.

Ministry of communication may please refer to their U.O No.2-12-Pace/1974, dated 13.12.93 on the subject mentioned above. Since UPSC have accepted that promotion from Group-B to Group-A, even though there is no change in the scale of pay amounts to assumption of higher responsibilities. This department agrees to the proposal for application of FR 22 (i)(a)(i) for pay fixation on promotion from Sr.Accounts Officer (2200-4000) in Group-B to Junior time scale in Group-A of Indian P&t accounts and finance service. Pay will be so fixed on notional basis from 1.4.87 but the actual benefit will be available with effect from 1.4.92.

T/C
Sd/-
(T.O.Thomas)
Under Secretary

23

EXTRACTY OF "TESA FLASH" (page.(5), September 1994 issue),Item No:(5).

5. EXTENDING THE KBENEFIT OF FIXATION UNDER FR.22.(1)(a)(1), ONB PROMOTION TO TES GROUP "B (SDEs) FOR JTOS PLACED IN THE LATERAL ADVANCEMENT SCALE OF Rs.2000-3500.

Addressed to Sri.N.Vitthal, Chairman, Telecom Commission, on the aabove subject.

Ref:-DOT No:4-3/94-PAT, dated 2.9.94.
e express our sincere thanks to your goodself for your kind personal intervention in getting the benefit of fixation under FR.22(1)(a)(1), extended to our members.

However in the said orders(copy enclosed for ready reference, we find the following discripancies

(a). The dated of effect is given from 1.9.94, instead of 1.1.90. In this regard, we bring to your kind notice that the officers in accounts wing were given the benefit of fixation retrospectively, i.e, they were gioven the benefit notionally from 1.1.87.to 31.3.92, and real benefuit from 1.4.92, even if this applied in our case, we too should have got the benefit notionally from 1.1.90,to 31.3.92, real benefit in the form of monitary benifit from 1.4.92.

The main issue that this Associations raises how FRs can be applied in different manners to diffirent catagories of employees placed in the similar situations. The department had gave us the understanding that if DOP&Trg, agrees to extend the benefit of fixation to our cadre also the same, benefit would be extended to us. But now after getting concurrence from DOP&Trg for extending the benefit to our cadre also we are really unable to understand,as to how and why we are denied the benefit retrospectively. Because the matter under dispute was whether we are eligible to get the fixation and certainly not from when we are to get it. The DOP&Trg having given its concurrence in regard to our eligibility to get the fixation benefit, naturally we should get it from the time we became eligible. Hence we strongly feel that the decision of the Telecom Commission to extend the benefit from 1.4.94 is not only unjustified but also very much discriminatory and against natural justice.

b) The orders also state that the benefit of fixation will not be extended for officiating promotion against short term leave vacanciers etc.

From the age old days, the cadre of JTOS are getting the benefit of fixation on officiating promotion. We are unable to understand the logic behind the decision of the Telecom Commissin in taking away this small and fringe benefit that this cadre was

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getting for last so many decades. This we feel would help in developing a tendency to decline local officiating promotions which would definitely hamper the developmental and expansion activities.

In the light of the above facts to express our strong resentment over the discriminatory orders, the members of this Associations through out the country will observe ANTI-DISCRIMINATION DAY on Tuesday 13th September 1994 by holding Lunch/closing hour demonstrations.

However we earnestly request your goodself to kindly intervene by way of taking necessary corrective action to remove the discrepancies stated above and thereby help us in our endeavour to maintain industrial peace and harmony.

JTO/CHQ/TC/94, dated 5.9.94

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GOVT.OF INDIA MINISTRY OF COMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER TELECOM.A.P.CIRCLE
HYDERABAD- 500 001.

To,

1. All General Managers, Telecom Area/Districts.
2. All Telecom District Managers/Engineers.
3. All SSTTs/STTs.
4. Chief Engineer, Telecom Civil Circle, Hyderabad.
5. Suptdg. Engineer, Telecom Electrical Circle, Hyderabad.
6. Asstt.Engineer, CTSD, Secunderabad.25.
7. Chief suptd.CTO, Hyderabad.
8. The Director, RTTC, Secunderabad-3.
9. The Deputy General Managers, Switching, Installation
Hyderabad/Vijayawada/Visakhapatnam.
10. The Deputy General Managers Transmission Installation,
Red Hills Hyderabad-5000 04.
11. The Divisional Engineer Telecom, N.R.C.Secunderabad-3.
12. The Divisional Engineers Telecom, Switching Installation, s
cI,II,III,Suryalok complex, Hyderabad-33.

13.11.94

Subject:- Grant of pay fixation benefit under
FR.22(I)(a)(I), for JTOs and SDEs on their
promotion as JTOs, SDEs and JTS Officers
Respectively.

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A copy of DOT New Delhi letter no: 4-3/94-PAT, D
dated 28.10.94, is enclosed herewith for information and necessary
action. A Copy of DOT letter no:4-3/94-PAT, dated 2.9.94, re-
ferred to herein has been circulated vide this office letter no:
TA/TCA/16/Rlgs, dated 13.10.1994.(Copy enclosed again for ready
referrence.).

Sd/-
(C.V.S.Murthy.)
Asstt.Director(Estt)
Chief General Manager, Telecom,
A.P.Hyderabad.

COPY TO:-

1. Accounts Officers,(Finance)/(Budget)/Telecom Accounts
Chief Accounts Officer, for information and necessary
action.
2. Asstt. Director,(Staff-I) Circle Office.
3. All Officers/Sections in Circle

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COPY of DOT New Delhi letter no: 4-3/94-PAT, dated 2.9.94

1. Kindly refer to this office letter no: 5-10/89-NCG, Dated 26.6.90, and no: 3-2/90-TE-I, dated 25.9.90, wherein the JTOs and SDEs, (Formerly, AEs) were granted lateral advancement on completion of 12 years of regular service in their respective grade in the pay scale of Rs.2000-3500 and Rs.2200-4000, respectively. The benefit of FR.22(i)(a)(i), (i.e. FR.22(c) Old), was also extended at the time of their lateral promotion..

2. The service associations have been pressing their demand for fixation of their pay under FR.22(i)(a)(i), (FR.22(C) Old), on their promotion to SDEs (Formerly AEs) and The pay scale of Rs.2000-3500, and Rs.2200-4000 respectively.

3. The matter has been examined in consultation with the DOP&Trg. Ministry of Finance, Department of (Expenditure), and I am directed to convey the approval of the Telecom Commission to extend the benefit of grant of FR.22(i) (a) (i), (FR.22(C) Old pay fixation to the JTOs and SDEs, both in the grades of pay fixation to the JTOs and SDEs, both in the grades of Rs.2000-3500, as well as Rs.2200-4000 on their vertical promotion to Group (B) and Group (A) respectively..

4. These orders will take effect from 1.9.1994 and shall apply to regular/adhoc promotions made for indefinet period, or likely to be regularised without break. In every adhoc promotion a certificate to this effect that the adhoc promotion is against a clear vacancy for indefinte period likely to be regularised without break will have to be endorsed to give this benefit. The fixation under this orders will not be admissible for local officiating promotions in short term leave vacancies etc.

This issues with the concurrence of the Telecom Finance vide their No: 2689-FA-I/94, dated 2.9.94.

Sd/-
(BUDH PRAKASH)
Asst. Director General(TE).

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Copy of DOI New Delhi letter No: 4-3/94-PAT dated. 28.10.94

Kindly refer to this office letter of even no,dated 2.9.94, regarding grant of pay fixation benefit under FR.22(I)(a)(I), for JTOS and SDEs and Sr. SDEs, on their Verticle promotions as SDEs and JTS Officers of ITS Group "A" respectively. The case for allowing benefit from earlier date was examined in consultation with DOP.& Trg, and Ministry of Finance,(Department Of Expenditure).

2. I am directed to convey the following modifications to the above mentioned letter dated 2.9.94:-

(i).Notional fixation of pay may be allowed from the date of promotion effected after 1.1.1990 for JTOS, and 25.9.90 for Sr. SDEs, JTOS, the date from which the lateral advancement schemes were introduced.

(ii).The actual benefits may be given from 1.4.1994,i.e, from the beginning of the current financial year, 1994-95.

(iii).Other conditions contained in the letter mentioned above dated 2.9.94, remain unchanged.

3. This issues with the concurrence of Telecom.Finance, vide their U.O.No:3214/94-FA(I),dt.27.10.94.

Sd/-
(BUDH PRAKASH)
Assistant Director General (TE)

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28/12/94

Grant of pay fixation benefit under FR.22(1)(A)(1) for JTOs and SDEs on their promotion as SDEs and JTS Officers of JTS grade "A" respectively.

Office of The Chief General Manager Telecom AP Circle Hyderabad-1
No:TA/ACA/16-4/93.94, Dated, at Hyderabad-1, the 13.11.94.

Fication of pay of Sri/Smt. M.Babu Prasad.

1. Name of the Official/Officer : M.Babu Prasad.
2. Present Post held... : JTO lateral Advancement after 12 years of service.
3. Scale of pay... : Rs.2000-60-2300-EB-75-3200-100-3500.
4. Date of regular promotion (or) period of officiating arrangement: 24.3.94.
5. Particulars of orders(or) promotion: TA/STA/70/11/816, dated 22.3.94.
6. Present pay : 2525
7. Scale of pay of the higher post : Rs.2000-60-2300-EB-75-3200-100-3500
8. Pay to be fixed
2525
75 AI on 1.1.95

2600
75 NI

2675 Next higher stage Rs. 2750 : 1.1.95

Sd/-
Accounts Officer(Finance)
for Chief General Manager, Telecom
A.P.Circle, Hyderabad-500 001.

Copy to:
Bill clerk for information and n/a
Service book of the official
Office copy
Officer.

T/C
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DEPARTMENT OF TELECOMMUNICATIONS
(CIVIL WING)No. 12(4)/CEC/KTZ/BGL/95/2010,
dated 30.10.1995.% the Chief Engineer,
Karnata Telecom Zone,
3rd floor, Admn Building
CTO Compound, Bangalore.

To:

Sr. Deputy Director General(BW),
Department of Telecom,
Sanchar Bhavan,
20 Ashoka Raod,
NEW DELHI - 110001.

(Kind attention of Shri. K.S.Chandrasan, ADG(CW))

Sub:- Pay fixation under FR-22 (i)(a)(i) for Junior
Engineers (Civil).

Kindly refer to D.O.T No.4-3/94-PAT, dt.2.9.94 on the above subject. In the said memorandum the DOT has ordered fixation of pay of JTOs drawing pay in the scale of Rs.2000-3500, on promotion as Assistant Engineer to be fixed according to FR-22 (i)(a)(i).

According to the existing orders, in Civil Wing, Junior Engineer(Civil) are recruited in the scale of Rs.1400-2300. After 5 years of service subject to fitness, the Junior Engineers are placed in the scale of Rs.1640-2900. After completing a total of 15 years of service, subject to fitness the officials are placed in the scale of Rs.2000-3500. In the case of JTOs also similar is the position except that the JTOs are placed in Rs.2000-3500 scale after 12 years of service.

Considering the above facts it may be seen that the Junior Engineers of the Civil Wing are also placed in exactly in similar position as JTOs. As such, the rule governing fixation of pay on the promotion of Junior Engineer(C) as Assistant Engineer(C) should also be similar to the corresponding rule of promotion of JTOs as AE(Telecom). It is, therefore, requested and strongly recommended that DOT order No.4-3/94-PAT dt.2.9.94, mentioned above, may please be made applicable to Junior Engineer(C) cadre also.

In this connection I wish to inform that several representations have also been received from affected officers, which have also been forwarded from time to time for necessary action. Recently the All India Engineers Association, Group 'A' & 'B' have also taken up the matter for redressal of this grievance. It is requested that the matter may please be considered and orders issued at an early date.

N.O.O:- Copy to:- All Chief Engineers(C). They may also please take up the matter with the directorate for getting the orders issued early.

Sd/-
Chief Engineer

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Govt. of India.

Min. of
Department of Telecommunicatio
(Civil Wing)

Office
Execut
Telecom
Barkatpura,
Hyderabad.500 027.

No:59(2)/TCDH-I/96/774,

Dated: 25.7.1996.

OFFICE MEMORANDUM

Consequent on promotion of Sri. B.Venkataswamy, Junior Engineer to Assistant Engineer (c), on purely tempo rary and adhoc basis for 89 days with effect from 18.7.96 to vide Office order No: 9(5)/96/526, dated 5.7.96, of The Chief Engineer (c) Telecom Hyderabad, in the scale of Rs.2000-60 2300-EB-75-3200-100-3500., the pay is fixed at Rs.2120/-, with effect from 18.7.96.

1. Present Scale of pay: Rs.1640-60-2600-EB-75-2900.
2. Pay as on 18.7.96 : Rs.2000/-
3. Scale of A.E.(c) : Rs.2000-60-2300-EB-75-3200-100-3500.
4. Pay fixed in the scale on promotion under FR.22.(1)(a)(1)
w.e.f.18.7.96 : Rs.2060/-

Next Stage.Rs.2120/-

sd/-24.7.96
Sr.Accounts Officer
Telecom Civil Division
Hyderabad.500 027.

Copy to:

- 1.Sri.B.Venkataswamy,AE(c) Nizamabad.
- 2.Pay Bill Clerk.
- 3.Service Book.
- 4.Personal File.

sd/-24.7.96.
Sr.Accounts Officer.

TK

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DEPARTMENT OF TELECOMMUNICATIONS.
Office of the Superintending Engineer, Telecom Civil Circle, Hyd

No. No. 8(1)/SEHD/97/

dated June 1997

To
The Chief General Manager,
Telecom, A.P. Circle,
Hyderabad - 500 001.

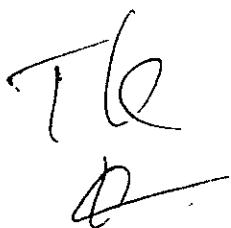
Sub:- Pay fixation under FR-22 (i)(a)(i) for Junior Engineers(Civil).

Kindly refer to DOT No.4-3/94-PAT dt.2.9.94 on the above subject. In the said memorandum the DOT has ordered fixation of pay of JTOs drawing pay in the scale of Rs.2000-3500 on promotion as Asst. Engineers to be fixed according to FR22(1)(a)(1).

According to the existing orders, in Civil Wing, Junior Engineers (Civil) are recruited in the scale of Rs.1400-2300. After 5 years of service, subject to fitness the Junior Engineers are placed in the scale of Rs. 2000-3500. In the case of JTOs also similar is the position except that the JTOs are placed in Rs.2000-3500 scale after 12 years of service.

Considering the above facts it may be seen that the Junior Engineers of Civil Wing are also placed in exactly in similar position as JTOs. As such the Rule governing fixation of pay on promotion of Junior Engineers(Civil) as Assistant Engineers(Civil), should also be similar to the corresponding rule of promotion of JTOs as Assistant Engineers Telecom. It is therefore, felt that D.O.T orders mentioned above can be made applicable to Junior Engineers(Civil) also.

We have received few representations from Assistant Engineer(Civil) for their pay fixation, as such it is requested that the matter may please be examined and necessary directions may please be issued on the subject of applicability of DOT order No.4-3/94-PAT, dated 2.9.94 to the cadre of Junior Engineer(Civil).


Sd/-

(P.K. SHARMA)
S.E(Civil), Hyd

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(32033)

GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS
Office of The Superintending Engineer Telecom Civil Circle
Chikkadapally, Hyderabad.500 020.

No: 8(1)/SEHD/97/

Dated: 9.10.1997.

To,
The Assistant Director General (TE),
Department of Telecom,
Sanchar Bhavan,20,Ashoka Road,New Delhi-110 001.

Subject:- Fixation of pay under FR.22(1)(a)(1),of
JEs/ASWs (civil)-reg.
Reference:- letter No:TAC/AO-TA I/20-83/97,dated,
4.9.97, from CGMT AP Hyderabad.
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A representation received from Shri.D.K.Nagapurkar, ASW of this office was forwarded to you by CGMT AP Circle Hyderabad, vide letter cited under reference for giving the clarification for fixation of pay under FR.22(1)(a)(1), and applicability of DOT order No: 4-3/94-PAT, dated 2.9.94. So far the decision has not been received. As such it is requested that matter may please be examined and the decision taken may please be communicated at an early date.

sd/-

(P.K.SHARMA.)

S.E.(CIVIL),HYDERABAD.

COPY TO:
THE CGMT AP CIRCLE HYDERABAD

Sd/-
S.E.(CIVIL),HYDERABAD.

T/G

34

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

Original Application No. 1536/97

DATE OF DECISION: 22-12-97

---K.A.S. Pillai-----Petitioner(s)

---S. Ramakrishna Pillai-----Advocate for the
Petitioner(s)

Versus
Chairman, Telecom Commission
Sanchar Bhavan, 20 Ashok Road
---New Delhi and 4 others-----Respondent(s)

---J.R. Gopal Rao-----Advocate for the
Respondent(s)

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

THE HON'BLE SHRI B.S. JAIPARAMESHWAR, MEMBER (JUDL.)

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether the Judgement is to be circulated to the other Benches?
av1/

Judgement delivered by Hon'ble Shri R. Rangarajan, M(A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

OA.1536/97

dt.22-12-97

Between

K.A.S. Pillai

Applicant

and

1. Chairman
Telecom Commission
Sanchar Bhavan
20, Ashoka Road
New Delhi

2. Sr. Director General(BW)
Dept. of Telecommunications
Sanchar Bhavan, Ashok Road
New Delhi 5

3. Chief General Manager
AP Circle, Doosanchar Bhavan
Nampally, RS Road
Hyderabad

4. Chief Engineer
Telecom Civil Zone
5-1-85, Koti, Hyderabad-95

5. Supdtg. Engr.
Telecom Civil Circle
Chikkadpally
Hyderabad-20

Respondents:

Counsel for the applicant

S.Ramakrishna Rao
Advocate

Counsel for the respondents

J.R. Gopal Rao
CGSC

CORAM

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

HON. MR. B.S. JAI PARAMESHWAR, MEMBER (JUDL.)

for

2

Judgement

Oral order (per Hon. Mr. R. Rangarajan, Member (Admn.)

Heard Sri S. Ramakrishna Rao for the applicant and Sri Phalgun Rao for Sri J.R. Gopal Rao for the respondents.

1. The applicant in this OA while functioning as Junior Engineer in the Ministry of Telecommunication, New Delhi, was issued orders dated 9-5-91 granting higher scale of pay Rs.2000-3500 to the Junior Engineer (Civil) on completion of 15 years in the entry grade of JE(Civil) in the pay scale of Rs.1400-2300 on the basis of seniority-cum-fitness. It is further stated that the higher scale of pay Rs.2000-3500 is a non-functional scale as there is no change in the duties and responsibilities. It is further decided in the said order that the JEs of P&T (Civil) wing who could not be promoted to AE(C) in the pay scale of Rs.2000-3500 due to non-availability of vacancies in the grade of AEs shall be allowed the scale of AEs i.e. Rs.2000-3500 on a personal basis after completion of 15 years of service in the grade computed from the date of entry in the basic scale in Rs.1400-2300 on the basis of seniority-cum-fitness. It is stated further in the very same order that as and when regular vacancies in the grade of AE(C) becomes available to the JE(C) enjoying the personal promotion shall be adjusted against those vacancies subject to observance of normal procedure. The benefits of fixation of pay under the provisions of FR 22(I)(a)(i) shall be allowed at the time of granting the personal scale of Rs. 2000-3500.

2. It is submitted that in the light of the order dated 9-5-91, the applicant had completed 15 years of service in

the grade computed from the date of entry in the basic grade of Rs.1400-2300 was placed in the pay scale of Rs.2000-3500 with effect from 1-1-1992. The applicant was given lateral promotion with effect from 1-1-1992 after completion of 15 years of service as JE(C) in the scale of Rs.2000-3500 without higher responsibilities with reference to DOT letter dated 9-5-91.

3. It is further submitted that as the vacancies are available Respondent II had promoted the applicant in the regular vacancy as Assistant Surveyor of Works with effect from 22-6-1992 in the pay scale of Rs.2000-3500. In the said order it was clearly specified though the officials who have been working as AE(C), ASW(C) shall continue to be posted until further orders. Accordingly, the applicant was deemed to have been promoted as ASW(C) with effect from 22-6-92 consequent on his vertical promotion for all purposes. The applicant was entitled to pay fixation on account of vertical promotion under FR 22(I)(a)(i), since he has assumed charge of higher responsibilities with effect from 22-6-92 and that was denied to him by Respondent-5.

4. This OA is filed praying for a direction the respondents to grant the fixation of pay under FR 22(I)(a)(i) to the applicant consequent on shouldering higher responsibilities and duties in the cadre of Asstt. Engineer(Civil) with effect from 22-6-92 with all the consequential benefits declaring the denial of benefits as arbitrary, illegal, unwarranted and in violation of Articles 14 and 16 of the Constitution and in violation of Rules framed under FRSR.

5. The applicant had filed a representation dated 27-1-95 (Annexure-A.3) to Respondent-1 for fixation of pay under

FRGR 22(I)(a)(i) when he was given pay scale of Rs.2000-3500 on completion of 15 years of service personally to him. His representation was forwarded to Respondent-5 by the Executive Engineer Postal Civil Department, Hyderabad. But it is stated that his representation is yet to be disposed of.

6: The applicant submits that his case is fully covered by the decision in OA.261/97 (K. Naghabushanam vs. Union of India) dated 2-4-1997 and OA.481/92 (D. Raghuram Reddy Vs. DG of Posts) decided on 24-2-1995 on the file of this Bench. Hence, he submits that his case has to be considered as per the direction given in the above referred OAs.

7. The applicant also submits that one Mr. Babu Prasad has been given similar posting as prayed in the OA by letter dated 13-11-94 of CGM (Annex.12).

8. In view of the above submission, ^{we are} of the opinion that his representation dated 27-1-1995 should be disposed of by Respondent-3 in accordance with law taking due note of observations as above within a period of two months from the date of receipt of copy of this order.

9. The OA is ordered accordingly at the admission stage itself. No costs.

(B.S. Jai Parameshwar)
Member (Judl.)

22/12/97

Dated : December 22, 97
Dictated in Open Court

(R. Rangarajan)
Member (Admn.)

10.2

CA.1536/97

DX

Copy to:-

1. The Chairman, Telecom Commission, Sancha r Bhavan, 20, Ashoka Raod, New Delhi.
2. Sr. Director General (BB)Dept. of Telecommunications, Sancha r Bhavan, Ashok Road, New Delhi.
3. The Chief General Manager, A.P.Circle, Doersancha r Bhavan, Nampally, RS Road, Hyderabad.
4. The Chief Engineer Telecom Civil Zone, 5-1-885, Koti, Hyderabad.
5. The Supdtg. Engr., Telecom Civil Circle, Chikkadpally, Hyderabad.
6. One copy to Mr. S.Ramakrishna Rao, Advocate, cAT., Hyd.
7. One copy to Mr. J.R.Gopal Rao, CGSC., AT., Hyd.
8. One copy to D.R.(A), CAT., Hyd.
9. One duplicate.

srr

01/1996
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 22/12/97

ORDER / JUDGMENT

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

in

C.R.NO. 1536/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of With Directions

Dismissed

Dismissed as Withdrawn

Dismissed For Default

Ordered/Rejected

No order as to costs.

SRR

II Court

केन्द्रीय प्रशासन विविध विविध विविध
Central Administrative Tribunal
प्रेषण / DESPATCH

31-DEC-1997

हैदराबाद न्यायालय
HYDERABAD BN

Judgement

Oral order (per Hon. Mr. R. Rangarajan, Member (Admn.))

Heard Sri S. Ramakrishna Rao for the applicant and Sri Phalgun Rao for Sri J.R. Gopal Rao for the respondents.

1. The applicant in this OA while functioning as Junior Engineer in the Ministry of Telecommunication, New Delhi, was issued orders dated 9-5-91 granting higher scale of pay Rs.2000-3500 to the Junior Engineer (Civil) on completion of 15 years in the entry grade of JE(Civil) in the pay scale of Rs.1400-2300 on the basis of seniority-cum-fitness. It is further stated that the higher scale of pay Rs.2000-3500 is a non-functional scale as there is no change in the duties and responsibilities. It is further decided in the said order that the JEs of P&T (Civil) wing who could not be promoted to AE(C) in the pay scale of Rs.2000-3500 due to non-availability of vacancies in the grade of AEs shall be allowed the scale of AEs i.e. Rs.2000-3500 on a personal basis after completion of 15 years of service in the grade computed from the date of entry in the basic scale in Rs.1400-2300 on the basis of seniority-cum-fitness. It is stated further in the very same order that as and when regular vacancies in the grade of AE(C) becomes available to the JE(C) enjoying the personal promotion shall be adjusted against those vacancies subject to observance of normal procedure. The benefits of fixation of pay under the provisions of FR 22(I)(a)(i) shall be allowed at the time of granting the personal scale of Rs. 2000-3500.
2. It is submitted that in the light of the order dated 9-5-91, the applicant had completed 15 years of service in

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

OA.1536/97

dt.22-12-97

Between

K.A.S. Pillai

Applicant

and

1. Chairman
Telecom Commission
Sanchar Bhavan
20, Ashoka Road
New Delhi

2. Sr. Director General(BW)
Dept. of Telecommunications
Sanchar Bhavan, Ashok Road
New Delhi

3. Chief General Manager
AP Circle, Doorsanchar Bhavan
Nampally, RS Road
Hyderabad

4. Chief Engineer
Telecom Civil Zone
5-1-885, Koti, Hyderabad-95

5. Supdtg. Engr.
Telecom Civil Circle
Chikkadpally
Hyderabad-20



Respondents

Counsel for the applicant

S.Ramakrishna Rao
Advocate

Counsel for the respondents

J.R. Gopal Rao
CGSC

CORAM

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

HON. MR. B.S. JAI PARAMESHWAR, MEMBER (JUDL.)

for

12

FRSR 22(I)(a)(i) when he was given pay scale of Rs.2000-3500 on completion of 15 years of service personally to him. His representation was forwarded to Respondent-5 by the Executive Engineer Postal Civil Department, Hyderabad. But it is stated that his representation is yet to be disposed of.

6: The applicant submits that his case is fully covered by the decision in OA.261/97 (K. Nagabhushanam vs. Union of India) dated 2-4-1997 and OA.481/92 (D. Raghuram Reddy Vs. DG of Posts) decided on 24-2-1995 on the file of this Bench. Hence, he submits that his case has to be considered as per the direction given in the above referred OAs.

7. The applicant also submits that one Mr. Babu Prasad has been given similar posting as prayed in the OA by letter dated 13-11-94 of CGM (Annex.12).

8. In view of the above submission, ~~I am~~ ^{we are} of the opinion that his representation dated 27-1-1995 should be disposed of by Respondent-3 in accordance with law taking due note of observations as above within a period of two months from the date of receipt of copy of this order.

9. The OA is ordered accordingly at the admission stage itself. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY
महानगर अधिकारी/अप. रजिस्ट्रार (न्यायिक)
Court Officer/DY. Registrar
केंद्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
हైదరाबाद न्यायदर्शक
HYDERABAD BENCH

1536/97

22-12-97

30/12/97

(3)

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3. It is further submitted that as the vacancies are available Respondent II had promoted the applicant in the regular vacancy as Assistant Surveyor of Works with effect from 22-6-1992 in the pay scale of Rs.2000-3500. In the said order it was clearly specified though the officials who have been working as AE(C), ASW(C) shall continue to be posted until further orders. Accordingly, the applicant was deemed to have been promoted as ASW(C) with effect from 22-6-92 consequent on his vertical promotion for all purposes. The applicant was entitled to pay fixation on account of vertical promotion under FR 22(I)(a)(i), since he ~~has~~ assumed charge of higher responsibilities with effect from 22-6-92 and that was denied to him by Respondent-5.

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