

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

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O.A.No.509/99.Date of Decision: 08-03-2000.

K.Surya Rao

.. Applicant.

Vs

1. The Director General,  
Dept. of Telecommunications,  
Sanchar Bhavan,  
20, Ashoka Road,  
New Delhi.

2. The Chief General Manager,  
Dept. of Telecommunications,  
AP Circle, Hyderabad.

3. The General Manager,  
Telecom District,  
Visakhapatnam.

.. Respondents.

Counsel for the Applicant : Mr.W.B.Srinivas

Counsel for the respondents : Mr.B.N.Sharma,Sr.CGSC.

CORAM:-

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

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

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ORDER

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

ORDER

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

Heard Mr.Shastry for Mr.W.B.Srinivas, learned counsel for the applicant and Mr.B.N.Sharma, learned counsel for the respondents.

2. The applicant in this OA was promoted as L.S.G. Clerk (C) which was redesignated as Section Supervisor (Operation) in the scale of pay of Rs.425-640/1400-2600/-. Subsequently, he was promoted on 6-7-81 as Section Supervisor in the same scale of pay of Rs.1400-2600/-. The




applicant submitted a representation dated 23-01-98 requesting for his pay fixation under FR 22 (1)(a)(i) relying on the ground that the post of Section Supervisor involves higher responsibility and that the Gauhati Bench of this Tribunal in OA.62/96 granted the relief as prayed for. But, it was rejected by the respondents order dated 30-12-98.


3. This OA is filed to set aside the impugned order No.ESA-5/96-98/44 dated 30-12-98 and for a further direction to fix the pay of the applicant under FR 22 (C) (old) FR 22 (1)(a)(i) (new) w.e.f., 6-7-1981 in the post of Section Supervisor with all consequential benefits for which the applicant is entitled to w.e.f., 6-7-81 when he was posted as Section Supervisor by the office of the D.T.O., Vizianagaram in Visakhapatnam Telegraph Traffic Division.

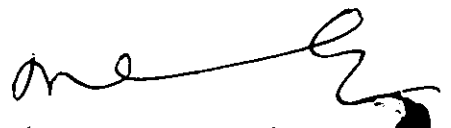
4. The contention in this OA and the relief asked for <sup>are</sup> ~~is~~ same as the contention and relief prayed for in OA.981/98. There also the applicant therein was junior Engineer and he was fitted in the scale of pay of Rs.1640-2900/-. Later he was granted the pay scale of Rs.2000-3000/- as Assistant Engineer as he <sup>had</sup> completed 15 years of service in the scale of pay of Rs.1400-2600/-. Subsequently, he was promoted as Assistant Engineer in normal course in the <sup>same</sup> scale of pay of Rs.2000-3000/-. He submitted <sup>when</sup> ~~while~~ <sup>ed</sup> promoting as Assistant Engineer <sup>that</sup> ~~even~~ though it is in the same scale of pay of Rs.2000-3000/- he should be given the fixation of pay under FR 22 (1)(a)(i). But that was refused. He filed OA.981/98 on the file of this Bench. It was observed in that OA that for adhering to FR 22 (1)(a)(i) there should be two conditions viz., (1) the promoted post should carry scales of pay higher than from which an employee has been promoted to that scale and

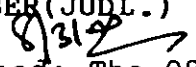
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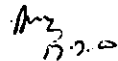
(2) it must be involve higher responsibilities. As the first contention was not fulfilled in that OA<sup>and</sup> the OA was rejected. In this case also the first <sup>-di</sup> contention as stated above has not been fulfilled as the applicant is Section Supervisor draws the same scale of pay from the post he was promoted. Hence, the OA is liable only to be dismissed and accordingly it is dismissed. No costs.

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

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

  
Dated: The 08th March, 2000.  
(Dictated in the Open Court)

SPR



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH.  
HYDERABAD.

1ST AND FINAL COURT

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APPROVED BY

COPY TO

1. HDHND

2. HRN ( ADMN ) MEMBER. THE HON'BLE MR. R. RANGARAJAN  
MEMBER ( ADMN )

3. HBSJP. M. (JUDL)

4. D.R. (ADMN)

5. SPARE

6. ADVOCATE

7. STANDING COUNSEL

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

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

DATE OF ORDER 8/3/2000

MA/RA/CF.NO

IN

G.A. NO. 509/99

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक अपीकरण  
Central Administrative Tribunal  
दस्तावेज / DESPATCH

21 MAR 2000

हस्ताक्षर स्वाक्षरी  
HYDERABAD BENCH