

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.No.396 of 1999.

DATE OF ORDER:5-1-2000.

Between:

Smt.I.B.P.L.Narasamma.

...Applicant

a n d

1. The Chief Engineer (Civil),
Telecom Civil Zone, 6-1-885,
Koti, Hyderabad.
2. The Director General, Department
of Telecommunications, New Delhi.
3. Union of India, represented by the
Secretary to the Government of India,
Ministry of Finance, New Delhi.

...Respondents

COUNSEL FOR THE APPLICANT :: Mr.K.Venkateshwara Rao

COUNSEL FOR THE RESPONDENTS :: Mr.V.Rajeshwar Rao

CORAM:

THE HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN

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

: O R D E R :

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

Heard Mr.K.Venkateshwara Rao, learned Counsel
for the Applicant and Mr.V.Rajeshwar Rao, learned
Standing Counsel for the Respondents.

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2. The applicant in this OA was appointed as Draughtsman Grade-II in the then scale of Rs.330-560/- with effect from 26-5-1981. The same scale of pay was upgraded to the scale of Rs.425-700/- by Order No.15-30/88-CSE, dated 19-7-1993 (Annexure.A-VI, page 17 to the OA). Hence, the applicant became eligible for the upgraded scale of pay of Rs.425-700/- with effect from the date of her joining viz., 26-5-1981. By Memorandum No.13(1)-IC/91, dated 19-10-1994, (Annexure-A-V, page 16 to the OA), those who are in the scale of pay of Rs.425-700/- should be given the scale of pay Rs.550-750/- after completion of 4 years as per Sub.Para (c) of Para.2 of the letter dated 19-10-1994. The question arises as to the date of fixation of pay in the higher scale of Rs.550-750/-. However, her claim for higher scale of Rs.550-750/- ie., Rs.1600-2660/- ^{from an earlier date ie 24/5/85} was rejected by impugned Order No.OA.No.1447/96/982, dated 11-1-1999, (Annexure.A-I, page.8 to the OA).

3. This OA is filed to set aside the impugned Order dated 11-1-1999 issued by the Chief Engineer(C), Civil Wing, Koti, Hyderabad, and for a consequential declaration that the applicant is entitled for the benefit of higher scale of Rs.1600-2660/- from 26-5-1985 i.e., 4 years after she was placed in the scale of pay of Rs.425-700/- ie., 1400-2300/- in terms of O.M.No.13(1)-IC/91, dated 19-10-1994 issued by the Ministry of Finance, Department of Expenditure with all consequential

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benefits like arrears of pay and allowance and other attendant benefits which was granted to the applicant in OA.No.580 of 1997, decided on 2-2-1999.

4. The main contention of the applicant is that the applicant is similarly placed as the applicant in OA. No.580 of 1997, which was disposed of on 2-2-1999 and that Judgment is enclosed at Annexure.A-X, page 23 to the OA.

5. The **first** contention of the respondents in this OA is that the memorandum dated 19-10-1994 is not applicable to the Civil Wing of the DOT, but it is applicable only to the other Departments. Hence, the applicant can get no relief on the basis of the memorandum dated 19-10-1994. The next contention of the respondents is that the OM dated 19-10-1994 is only for replacement of the scale and higher promotion will be in accordance with the recruitment rules.

6. In addition to the above two basic contentions, some more contentions were raised which are similar to the contentions raised in OA.No.580 of 1997.

7. The Judgment in OA.No.580 of 1997 is very specific. It clearly says that the memorandum dated 19-10-1994 is equally applicable to the Civil Wing of the Telecom Branch. Hence, the first contention of the respondents has to be rejected.



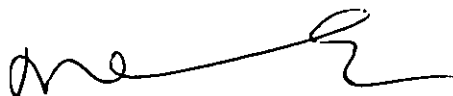
8. It is also seen from Para.14 of the Judgment in OA.No.580 of 1997 that the upgradation of scale of pay from lower scale due to the memorandum dated 19-7-1993 is not to be treated as a promotion and further promotion in accordance with the Q.M. dated 19-10-1994 should be given on the basis of the date of entry into the grade of Rs.425-700/- for promotion to the higher grade of Rs.550-750/-. The applicant in this OA had entered the grade of Rs.425-700/- with effect from 26-5-1981. Actually on that date she joined the Department in the scale of Rs.330-560/-. However, from that date onwards the scale of pay of Rs.330-560/- was upgraded to Rs.425-700/-. Hence, it is to be held that the applicant had entered the scale of pay of Rs.425-700/- with effect from 26-5-1981. The further 4 (four) year period for higher promotion of Rs.550-750/- should be after four years ^{of attaining the lower scale} in accordance with the OM dated 19-10-1994. The same view has been taken in OA.No.580 of 1997.

9. From the above appreciation of facts of this case, it is evident that the relief prayed for in this OA is fully covered by the Judgment in OA.No.580 of 1997, disposed of on 2-2-1999. Hence, the impugned Order dated 11-1-1999 is hereby set aside and the respondents should adhere to the fixation of her pay in the higher grade counting four years service in accordance with the OM dated 19-10-1994 from the date of her entry into the grade of Rs.425-700/- ie., 26-5-1981. The applicant is entitled for consequential benefits

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accordingly as was given to the applicant in OA.
No.580 of 1997.

10. The OA is ordered accordingly. No costs.



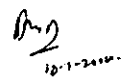
(R.RANGARAJAN)
MEMBER (ADMN.)



(D.H.NASIR)
VICE CHAIRMAN

DATED: this the 5th day of January, 2000

Dictated in the Open Court



DSN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

1ST AND 11ND COURT

COPY TO:

1. HDHND
2. HRRN M (ADMN.)
3. HBSJP M (JUDL.)
4. D.R. A (DMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPOSED BY

CHECKED BY
APPROVED BY

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

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

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

* * *

DATE OF ORDER: 5/1/2000

MA/RA/EP-NO.

IN

DA. NO. 396/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

BA. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

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