

30/600

4

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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15.10.96 **INDEX**

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI, 5

O.A.No. 65/95

Misc. Petn.

C.P. No.

R. Appl:

..... M. Ali APPLICANT'S
frs.

..... V. C. I. P. O. I. RESPONDENT'S

Mr. B. K. Sharma, Mr. P. Bhunia FOR THE APPLICANTS
Mr. B. Mehta, Mr. S. Sarma

.....
Mr. S. Ali, Sr. C.G.S.C. FOR THE RESPONDENTS

OFFICE NOTE	DATE	ORDER
<p>This application is in form and within time C. F. of Rs. 50/- deposited vide PO/BD No. <u>8839/13</u> dated <u>1.9.95</u></p> <p><u>[Signature]</u> Registrar</p>	<p>30.3.95</p>	<p>Mr B.K.Sharma on leave. Adjourned to 31.3.1995.</p> <p><u>[Signature]</u> Vice-Chairman <u>[Signature]</u> Member.</p>
<p><u>[Signature]</u> Registrar</p>	<p>31.3.95</p>	<p>Mr. B K Sharma for the applicant. Mr. S. Ali, Sr. C.G.S.C. for the respondents</p> <p>Application is admitted. Issue notice to the respondents. Eight weeks for written statement subject filing an application for leave for joining the applicants in a single application. To be filed within two weeks. Adjourned to 5.6.95. To be heard alongwith O.A. 64/95.</p> <p><u>[Signature]</u> Member</p> <p><u>[Signature]</u> Vice-Chairman</p>
<p>trd</p>		

[Signature]

O.A. 65/95

2/01

(2)

Requisites are given

& issued vide no. 1559-61
dt. 7-4-95.

5/4

4-5-95

Notice to the respondents dispensed with in pursuance of the leave given on 31-3-95 the petitioners have filed this application under rule 4(5)(a) of C.A.T. Procedure Rules praying for necessary leave. The application it is stated that the cause of action of applicants is common and the relief prays is same. The O.A. is already admitted. The leave as prayed is granted. M.P. is disposed of.

Memo of appearance filed by Mr. S. Ali, Sr. Case.

Vice-Chairman

lm

Member

10/10

5-6-95

8-8-95

At the request of Mr. S. Ali four weeks granted for filing written statement.

Adjourned to 6-9-95.

To be used for orders on 7-8-95

By order

lm

10/9/8

Vice-Chairman

Member

Notice sent on

R. no. 3

6-9-95

10/7

Learned Mr. B. Mehta, Advocate for the applicant. Mr. Ali is for the Respondent. ~~Advocates~~ both the learned counsel are present. Adjourned to for hearing 22.11.95

21-7-95

W/s submitted by Report. 1, 2 and 3.

10/10

Ben

7

OFFICE NOTE

DATE

ORDER

22.11.95

Mr B.K. Sharma for the applicants.

Mr S. Ali, Sr. C.G.S.C., for the respondents.

Arguments concluded. Judgment delivered. The application is allowed. No order as to costs.

[Signature]
Vice-Chairman

20.12.95

copy of Judg./Order
dtd. 22.11.95 issued
to the Applicant
and counsel for
the Respondts side

OP No. 15

Dtd. 1.1.96.

[Signature]

nkm

[Signature]
14/12

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI-5
O.A.NO.65 of 1995

Date of decision 22.11.1995

Shri Monomohan Dey and 5 others

PETITIONER(S)

Shri B.K. Sharma with Shri B. Mehta

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India and others

RESPONDENT(S)

Shri S. Ali, Sr. C.G.S.C.

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE JUSTICE SHRI M.G. CHAUDHARI, VICE-CHAIRMAN

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgement? *ys*
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement? *no*
4. Whether the Judgement is to be circulated to the other Benches?

M.G. Chaudhari
Judgement delivered by Hon'ble Vice-Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.65 of 1995

Date of decision : This the 22nd day of November 1995

The Hon'ble Justice Shri M.G. Chaudhari, Vice-Chairman

1. Shri Monomohan Dey
2. Shri Babul Kumar Das
3. Shri Manabendra Saha
4. Shri Khagendra Nath Sarma
5. Shri Islam Ahmed
6. Shri B. Tirupataiah

All the applicants are working as Accounts Officer in the Department of Telecommunications and are posted at different stations under the Chief General Manager, Telecom, Guwahati.

.....Applicants

By Advocate Shri B.K. Sharma with Shri B. Mehta.

- versus -

1. Union of India,
represented by the Secretary to the Government of India,
Ministry of Communications,
New Delhi.
2. The Assistant Director General (TE),
Department of Telecommunications,
New Delhi.
3. The Chief General Manager (Telecom),
Assam Telecom Circle,
Guwahati.

.....Respondents

By Advocate Shri S. Ali, Sr. C.G.S.C.

.....

O R D E R

CHAUDHARI, J. V.C.

Mr B.K. Sharma for the applicants.

Mr S. Ali, Sr. C.G.S.C., for the respondents.

The six applicants are working as Accounts Officers in the Department of Telecommunications and are posted at different stations under the Chief General Manager, Telecom, Guwahati. Their grievance is that on their promotion as Accounts Officers they have realised that the pay of K. Sankaranarayanan, who is junior to them and has been promoted as Accounts Officer on regular basis after the applicants were promoted



to that cadre, has been fixed higher than that of the applicants taking into account his pay during his fortuitous adhoc promotion as Accounts Officer which opportunity was not available to them and thus there arose an anomaly in the fixation of pay. The pay of the applicants has been fixed between Rs.2375 and Rs.2450 respectively, whereas the pay of Sankaranarayanan has been fixed as Rs.2750 with effect from 25.4.1991.


2. The applicants had preferred representations, but they were rejected on the ground that there was no anomaly. The contentions urged by the applicants in the instant case are the same as are urged by the applicants in companion O.A.No.64 of 1995, which has been separately decided today. The contention of the respondents in the instant case are the same as urged by them in that case. The rival contentions have been examined and for the reasons recorded in the order in the companion O.A., I have held that the applicants in that case are entitled to be given the relief as prayed. The same reasons are adopted in support of this order and it is not necessary to repeat them. For the same reasons following order is passed:

The respondents are directed to step up the pay of the applicants at par with K. Sankaranarayanan with effect from the date on which the anomaly arose and the respondents are further directed to pay to the respective applicants the arrears as may be found payable to them arising on account of re-fixation of their pay after removal of the anomaly.

The above exercise to be completed within a period of three months from the date of communication of this order to the respondents.

3. The original application is accordingly allowed. No order as to costs.

4. A copy of the order passed in O.A.No.64/95 may be placed in the record of this case.


(M. G. CHAUDHARI)
VICE-CHAIRMAN

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय
 29 MAR 1995
 Guwahati Bench
 गुवाहाटी न्यायापीठ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH.

An application under section 19 of the Administrative Tribunal Act 1985.

O.A. No 65 /of 1995

Shri Monomohan Dey.

...Applicants.

Versus

Union of India and ors.

... Respondents.

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Filed By

.....

 * Regd No *
 * *
 * Date *
 * *

*Received copy
 C File
 A/C/S/C
 29/3/95*

Filed in
in appointment
management
Dishmohin Jais
Assam
09/3/85

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

O.A. No. of 1995

BETWEEN

1. Shri Monomohan Dey, Accounts Officer (SBP),
Office of the Telecom District Manager, Guwahati-7.
2. Shri Babul Kumar Das, Accounts Officer,
Office of the Area Director, Telecom, Guwahati-7.
3. Shri Manabendra Saha, Accounts Officer (TRA)
Office of the Telecom District Manager, Guwahati-7.
4. Shri Khagendra Nath Sarma, Accounts Officer(ATP),
Office of the Chief General Manager (Telecom.)
Guwahati-7.
5. Shri Islam Ahmed, Accounts Officer (SBP),
Office of the Telecom District Engineer, Tezpur
6. Shri B. Tirupataiah, Accounts Officer (SBP),
Office of the Chief General Manager (Telecom),
Guwahati-7.

... APPLICANTS

AND

1. Union of India, represented by the
Secretary to the Government of India,
Ministry of Communications,
Sansar Bhavan, New Delhi-110 001.
2. The Asstt. Director General (TE),
Department of Telecommunications,
Sansar Bhavan, New Dehhi-110001.
3. The Chief General Manager (Telecom.),
Assam Telecom Circle,
Ulubari, Guwahati-781007.

... RESPONDENTS

Contd...P/2.

DETAILS OF APPLICATIONS

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :

The instant application is directed against the individual orders communicated to each of the applicants refusing stepping up of pay in relation to the pay of their junior.

2. JURISDICTION OF THE TRIBUNAL :

The applicants declare that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

The applicants further declare that the application is within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the applicants are all citizens of India and as such, they are entitled to all the rights, protections and privileges guaranteed by the Constitution of India and the laws framed thereunder.

4.2 That the service particulars of the applicants are given below :

(a) The applicant No. 1 Shri Monomohan Dey was originally selected and appointed as Clerk (Later on redesignated as Postal Assistant) in the then Department of Posts and Telegraphs on 10.7.65. He passed the All India

Junior Accounts Officer, Part-II Examination (hereinafter referred to as the JAO-II) in November 1974. He was promoted on regular basis as Junior Accounts Officer on 8.12.76, as Assistant Accounts Officer on 1.4.87 and as Accounts Officer on 30.4.90.

- (b) The applicant No. 2 - Shri Babul Kumar Das was originally appointed as Clerk (later on redesignated as Postal Assistant) in the then Department of Posts & Telegraphs on 1.8.68. He passed the JAO-II in November 1974. He was promoted on regular basis as Junior Accounts Officer on 14.7.78, as Assistant Accounts Officer on 1.4.87 and as Accounts Officer on 25.5.90.
- (c) The applicant No. 3 - Shri Manabendra Saha was originally appointed as Upper Division Clerk in the then Department of Posts & Telegraphs on 23.1.67. He passed the JAO-II in September 1978. He was promoted on regular basis as Junior Accounts Officer on 30.7.79, as Assistant Accounts Officer on 1.4.87 and as Accounts Officer on 31.10.90.
- (d) The applicant No. 4 - Shri Khagenāra Nath Sarmay was originally appointed as Time Scale Clerk (later on redesignated as Telecom Office Assistant) on 2.3.71. He passed the JAO-II in September 1978. He was promoted on regular basis as Junior Accounts Officer on 10.8.79, as Asstt. Accounts Officer on 1.4.87 and as Accounts Officer on 25.10.90.
- (e) The applicant No. 5 - Shri Islam Ahmed was originally appointed as Telecom Accounts Clerk on 23.1.73. He

passed the JAO-II ^{in September 1978} and was promoted to Junior Accounts Officer on 2.7.79, as Asstt. Accounts Officer on 1.4.87 and as Accounts Officer on 29.10.90.

(f) The applicant No. 6 - Sbri B. Tirupataiah, was originally appointed as Time Scale Clerk (later on redesignated as Telecom Office Assistant) on 23.5.67. He passed the JAO-II in ~~the~~ September 1978. He was promoted on regular basis as Junior Accounts Officer on 31.7.79, ~~and~~ Asstt. Accounts Officer on 1.4.87 and as Accounts Officer on 16.7.91.

3. That all the aforesaid posts of Junior Accounts Officers, Asstt. Accounts Officers and Accounts Officers are borne on All India Cadre that the incumbents being liable to be transferred anywhere within India. On entry into these all India cadre, seniority of an incumbent is fixed on the basis of the rank obtained by him in the order of merit in the JAO-II Examination. The seniority was fixed, remains same throughout.

4. That on entry into the category of Junior Accounts Officer, the seniority position of the applicants were assigned at Sl. Nos. 173, 189, 286, 306, 315 and 375 respectively. On the other hand, the seniority position of another incumbent viz. Shri K. Sankaranarayanan was assigned at Sl. No. 470. These seniority positions are also confirmed by the latest Blue ~~BOOK~~ List in the category of Asstt. Accounts Officers and Accounts Officers. There cannot be any denial of the fact that Shri K. Sankaranarayanan is junior to the applicants in the aforesaid cadres having all India seniority. As

pointed above, the respective dates of joining of the applicants as Accounts Officer on regular basis are 1.5.90, 26.5.90, 31.10.90, 25.10.90, 29.10.90 and 16.7.91 respectively. Said Shri K. Sankaranarayanan was promoted as Accounts Officer on regular basis on 25.4.91. On promotion as Accounts Officer the pay of the applicants were fixed at Rs.2450/-, 2375/-, 2375/-, 2375/-, 2375/-, and Rs.2450/- respectively with the next date of increment as 1.8.90, 1.7.90, 1.5.91, 1.5.91, 1.3.91, 17.92 respectively. On the other hand, pay of said Junior Shri Sankaranarayanan on his joining as Accounts Officer on 25.4.91 was fixed at Rs.2750/- with the next date of increment as on 1.12.91 with pay to be drawn at Rs.2825/- as against applicants' pay to be drawn at Rs.2525/-, 2450/-, 2450/-, 2450/-, 2450/- and 2525/- respectively. Be it stated here that the aforesaid promotions of the applicants were effected vide orders dated ~~12.4.90~~, 12.4.90, 12.4.90, 8.10.90, 8.10.90, 8.10.90, and 25.3.91 respectively while Sri Sankaranarayana's promotion was effected vide order dated 25.3.91. It will also be pertinent to mention here that since the posts are borne on all India seniority cadre, some officers may join the promotional posts earlier than the others depending upon the place of posting and release etc. However, the same in no way effect the seniority and promotional benefits.

For better appreciation of the factual position a comparative statement depicting the aforesaid position is annexed as ANNEXURE-1.

4.5 That the applicants came to know recently to their shock and dismay that said Shri K. Sankaranarayana was drawing more pay than them inspite of the ~~fact that he is junior to them~~ fact that he is junior to them. Upon enquiries, they found out that pay of Shri Sankaranarayana is more than their pay and this anomaly of junior getting more pay than the seniors occurred in view of the fortuitous adhoc promotion. Said Shri

Sankaranarayanan was enjoying officiating/adhoc promotion against Accounts Officer's vacancy and consequently he was granted increment etc. Thus on his promotion on regular basis, his pay was fixed at Rs.2750/- with the next date of increment on 1.12.91 with pay to be drawn at Rs.2825/-. Because of this situation, the anomaly of applicants' getting lesser pay than their junior said Shri Sankaranarayanan has occurred.

A copy of the Blue List/Book is annexed as
ANNEXURE-2.

4.6 That the applicants being aggrieved with their wrong fixation of pay and there being no stepping ~~of~~ up of their pay in reference to their junior said Shri Sankaranarayanan made representations with the request for stepping up of pay at par with that of said Shri Sankaranarayanan with effect from the date on which the aforesaid anomaly arose.

Copies of ~~the~~ such representations dated 6.2.95, 20.1.95, 27.1.95, 17.1.95, 17.1.95, and 10.2.95 are annexed herewith as ANNEXURES-3A to 3F respectively.

4.7 That the applicants in their aforesaid representations highlighted as to how the benefit of stepping up of pay has been granted to others under similar circumstances. It will be pertinent to mention here that many others like that of the applicants all over the country have approached the different Benches of the Hon'ble Central Administrative Tribunal with the similar prayer as has been made in the instant application i.e. for stepping up of pay in reference to ~~the~~ said Shri Sankaranarayanan. All the said applicants have been allowed with the direction for stepping up of pay with effect from the date of occurrence of the anomaly with all consequential benefits of pay and allowances including arrears on re-fixation of pay in reference to said Shri

Shri Sankaranarayanan. The applicants crave leave of the Hon'ble Tribunal to produce the copies of the said Judgments at the time of hearing of the instant application. The respondents have implemented the judgements *confining the benefits to the applicants therein only.*

4.8 That the applicants state that instead of following the principles laid down by the various Benches of the Hon'ble Tribunal and granting the same benefits to the applicants as was granted to the applicants in the said cases, the authority passed a mechanical order rejecting the prayer of the applicants.

Copies of the orders communicated to the applicants separately dated 15.2.95, 31.1.95, 15.2.95, 15.2.95, 31.1.95 and 16.2.95 respectively are annexed herewith as ANNEXURES-4A to 4F.

4.9 That the applicants state that from the aforesaid communications they have come to know that the authorities have communicated their decision.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that prima facie the order/orders rejecting the prayer of the applicants for stepping up of their pay in reference to their junior is arbitrary and illegal and accordingly liable to be set aside and quashed.

5.2 For that it is a settled position of law ~~and~~ that when some principles are laid down in a case, the said principles are required to be followed by the authorities in respect of other cases and incumbents similarly

circumstanced without requiring them to approach the Hon'ble Tribunal again ; but in the instant case, the applicants have been illegally deprived of the benefits of the said principles laid down by the different Benches of the Hon'ble Tribunal.

5.3 For that law is well settled with fortuitous adhoc promotion cannot put the seniors at a disadvantageous position in the matter of pay fixation. While doing so, the same benefit cannot be denied to the applicants when the adhoc promotion came to be issued from one post to another within an all India cadre in utter disregard to seniority under fortuitous circumstances.

5.4 For that law is well settled that in view of such anomalies stepping up of pay is required to be done so as to bring parity in the matter of pay fixation among the seniors and juniors. In a given case where the juniors are getting more pay than their seniors.

5.5 For that in any view of the matter, the benefit of stepping up of pay cannot be denied to the applicants.

6. DETAILS OF REMEDIES EXHAUSTED :

The applicants declare that they have got no other alternative remedy available.

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

The applicants further declare that they had not previously filed any application, writ petition or suit

regarding the matter in respect of which the application has been made before any Court of law, or any other authority and/or any other Bench of the Tribunal and/or any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT :

In view of the facts and circumstances stated above, the instant application be admitted, records be called for and on perusal of the same and upon hearing the parties on the cause or causes that may be shown, be pleased to grant the following reliefs :

- (i) To set aside and quash the impugned orders at Annexures-4A to 4F ;
- (ii) To direct the respondents to step up the pay of the applicants at par with their junior Shri K. Sankaranarayanan with effect from the date on which the anomaly arose and to pay all the arrears arising on account of such refixation and grant all consequential benefits and thus render justice.
- (iii) Cost of the application ;
- (iv) Any other relief or reliefs to which the applicants are entitled to under the facts and circumstances of the case.

9. INTERIM ORDER PRAYED FOR :

The applicants do not ~~may~~ pray for any interim relief at this stage.

Contd...P/10.

10.

The application is filed through Advocate.

11. PARTICULARS OF THE I.P.O. : 8 03 8839 13

(i) I.P.O. No.

(ii) Date: 29/3/95

(iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As detailed in the Index.

V E R I F I C A T I O N

I, Shri Khagendra Nath Sarma, aged about 47 years son of Late N.N. Sarma, the applicant No. 4 in the instant application do hereby solemnly affirm and verify that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice and I have not suppressed any material facts. I am also duly authorised by the other applicants to sign this verification on behalf of all of us.

And I sign this verification on this the day of March 1995 at Guwahati.

Khagendra Nath Sarma

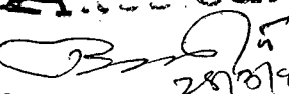
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COMPARATIVE STATEMENT

ANNEXURE-1

Sl. No.	Name	Seniority No. in the latest	Date of regular joining	Pay fixed at Rs.	Date of next increment	Pay to be drawn	Directorate's promotion order number and date.
1.	Monomohan Dey	746	1.5.90	2450/-	1.8.90	2525/-	9-1/90-SEA dt. 12.4.90
2.	Babul Kumar Das	759	26.5.90	2375/-	1.7.90	2450/-	-do-
3.	Manabendra Saha	844	31.10.90	2375/-	1.5.91	2450/-	2-1/90-SEA dt. 8.10.90
4.	Khagendra Nath Sarma	862	25.10.90	2375/-	1.5.91	2450/-	-do-
5.	Islam Ahmed	871	29.10.90	2375/-	1.3.91	2450/-	-do-
6.	Tirupataiah	940	16.7.91	2450/-	1.7.92	2525/-	9-1/91-SEA dt. 25.3.91.
<u>JUNIOR</u>							
1.	K. Sankara Narayanan	1035	25.4.91	2750/-	1.12.91	2825/-	9-1/91-SEA dt. 25.3.91

....

A. ... ed.

 28/3/95
 Advocate.

-12-

Completed upto 30/4/95

PAT A/C & FINANCE 528 BLUE BOOK

Staff No.	Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/PR	
84516	FRASAD PRAHLAD	(SC) 699	050952	011272		
84517	SINGHA SAMIR CH	(ST) 700	260151	130772		
84518	GOVINDRAJ K	(SC) 701	010249	181168	101189	
84519	NEKIRAM TIKANIA	(SC) 702	050144	161266	290390	
84520	NATESAN A	(SC) 703	071255	091275	151289	
84521	DEY BIMAL KUMAR	(SC) 704	120280	220873	121289	
84522	HARIJAN RAM NARESH	(SC) 705	050140	230366	080190	
84523	VEERAPPAN M	(SC) 706	300553	270977	181289	
84524	DONGRE D K	(SC) 707	110554	161172		
84525	DAS AMAL KR	(SC) 708	080553	090373	061189	
84526	ROY DHIREN CH	(SC) 709	111253	070775	010190	
84527	FRASAD BHUVANESHWAR	(ST) 710	050152	280176	191089	
84528	DAS NABA KUMAR		711	011244	080964	090490
84529	DHANAVE M B	(SC) 712	040157	140377		
84530	ARYA SATISH KUMAR	(SC) 713				
84531	SOHLIA S H	(ST) 714	210954	260274	061289	
84532	SWAMINATHRAM	(SC) 715	021249	261172	171089	
84533	DAS SUSHIL BEHARI	(SC) 716	010544	020666	240791	
81214	RAMALINGESARA RAO R V S		717	040542	100366	
81215	CHAURASIA BALRAM PRASAD		718	130639	211261	260990
81216	VISWANATHA KAMATH M		719	080342	150561	091089
84534	ENPHIA P R	(SC) 720	170254			
84535	DELE RAM	(SC) 721	150644			
84536	BORO MAHENDRA	(ST) 722	010355	250674	260490	
84537	RAMPATAP	(SC) 723	150154	110675		

PAT A/C & FINANCE 529 BLUE BOOK

Staff No.	Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/PR	
84538	SAMBASIVA RAO T	(ST) 724	010644	160765		
84539	HARSENIA GANGARAM	(SC) 725	151047	141167		
84540	KARMEGAM A	(SC) 726	150647	190868	181090	
81217	MIRCHANDANI GULAB CHAND		727	030144	030364	150590
81218	JANULLAH HUSSAIN		728	070642	170964	150790
81219	AJIT SINGH KATHPAL		729	091037	071058	
81220	JAYABALAN R		730	270847	040568	
81221	RAMAMURTHY K		731	070649	060269	150690
81223	KISHAN CHAND		732	110939	210759	020590
81224	SUBRAHMANIAN S		733	070645	270368	060890
81225	NAGARAJ A		734	101237	141057	150690
81226	VEERARAGHAVAN S		735	140738	120158	100590
81230	LAKSHMINARAYANA B		736	010746	011065	
81231	KULKARNI R N		737	160736	111256	300490
81232	GANESAN V		738	070743	270963	280590
81233	KUMARASWAMY S		739	150643	160263	040590
81234	CHANDRAN S P		740	011142	020768	140690
81235	KRISHNAMURTHY T		741	010148	310888	
81236	RAMACHANDRAN K		742	050849	230169	270690
81237	HANUMANTHARAO D		743	101946	160269	030790
81238	SHUKLA RADHA KRISHNA		744	250744	220366	120490
81239	SHASTARABUDHE A V		745	270741	020964	
81240	MAN MOHAN DEY		746	010245	100765	300490
81241	SYED MOHAMMAD C		747	030948	270468	081090
81242	AGGARWAL RAM GOPAL		748	180743	180664	

Accountant
MC
 Account Officer (A & P)
 O/O The C.G.M. (A & P)
 Govt. U-7

Attended
R. D. Singh
 28/3/95
 Advocate.

PAT A/C & FINANCE		530	BLUE BOOK		
Staff No.	Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/PR
01244	GUPTA SAT PAL	749	010141	141264	300690
01246	GHOSH NARAYANA CHANDRA	750	240145	141264	200490
01247	MOHAN N	751	010745	031264	190490
01248	VENKOBA RAO N	752	100236	270256	220590
01249	NATARAJAN P	753	141148	141270	160590
01250	NARASIMHA MURTHY T	754	060148	301067	090890
01251	CHATTERJEE SHYAMAL KR	755	090142	040964	300490
01252	PADMINI ROMELA	756	051044	130966	010690
01253	KRISHNA RAO G S	757	080144	150163	110590
01255	JONESWARA RAO K	758	010745	061065	040590
01256	DAS BABUL KR	759	280244	010868	260590
01257	ANANDA RAO B	760	060145	010166	290590
01258	SHARMA R B	761	060148	221269	070690
01259	DAS SANTOSH KUMAR	762	010144	140866	010590
01260	SEEBARAO A V	763	150143	070263	
01261	RAMA SOMANATH	764	311044	311266	170490
01263	KRISHNAHA R A	765	130648	020271	130890
01264	KRISHNAN R K	766	051247	191067	
01265	SHARMA A K	767	010746	190166	
01266	GUPTA RAMESH CHANDRA	768	010150	081068	
01267	LAKSHMI RAGHAVAN S	769	240735	080656	
01268	BEG SHAFIQ	770	040142	180364	
01269	MURJEDAN K	771	190547	181068	
01271	KRISHNAMOORTHY S	772	180743	120861	100490
01273	PIAR RAM	773	180741	310768	211190

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PAT A/C & FINANCE		531	BLUE BOOK		
Staff No.	Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/PR
81275	HUSSAIN SHAIKH	774	170245	010367	070191
81276	NAGESWARA RAO P	775	150645	010565	120490
81277	RIJHU RAM	776	151138	161258	230490
81278	VENKATESWARALU Y	777	010649	060669	220590
81279	GHOSH SWAPAN KUMAR	778	010146	240266	300490
81280	MADAN GOPAL	779	150648	220968	
81281	SHARMA SURENDRA PAL	780	110144	150664	020590
81282	SINGH RAM AVTAR	781	011043	040664	241190
81283	DE ANIL KUMAR	782	071139	170761	130690
81284	GEORGE T V	783	280840	050560	270890
81285	NARASIMHULU CHETTY K	784	010742	180363	
81286	SARKAR SAMARESH CH	785	101039	020762	
81288	DURGAPRASADA RAO K R G	786	150143	010263	
81289	KRISHNAN B	787	170845	161066	
81290	THIRUMALI MUTHUKUMAR S	788	100443	200964	181090
81292	BRAHMAIAH K	789	140550	161170	070890
81293	TULSIRAM	790	090538	011257	300490
81295	REHMAN SHAIK FAZLUR	791	180441	061263	030590
81297	SINGH RAM PATI	792	070741	310364	
81298	BALAKRISHNAN LALITHA	793	070845	230964	020890
81299	VENKATA RAO P	794	090643	180765	100790
81300	PAMAKRISHNA RAO K	795	090146	010466	040590
81301	KANDWAL SHAMBHU PRASAD	796	050748	180968	310890
81302	NARASIMHAM P	797	060747	010468	271190
81303	SANKARAN S	798	061242	030864	250590

Seen
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 Account Officer (A & P)
 OIO The C.G.M.T., Assam Circle
 Guwahati - 7

A.
R. S. J.
 Advocate.
 28/7/89

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P&T A/C & FINANCE		532	BLUE BOOK		
Staff No.	Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/PR
81305	PANDEY SANTOSH KUMAR	799	050646	140167	110391
84541	LAKSHMINARASIMHAN S	800	111150	220371	071290
81306	PAL SUNIL KUMAR	801	120843	120267	
81307	NAGARAJAN V	802	150741	011261	010291
81308	BISKAS SANTOSH KUMAR	803	100442	140765	
81309	PITCHALAH B	804	030248	060768	
81310	DUTTA DILIP KUMAR	805	070642	040765	311090
81311	DANG SEWA RAM	806	010643	160366	170790
81313	RAGHAVAN PODUVAL P	807	020647	230566	261090
81314	PUROHIT VIJAY	808	120553	010373	141190
81315	NAGESWARA RAO CHELIKANI	809	150550	010772	140790
81316	VIJAYAN P V	810	210454	150873	260890
81317	ESWARA RAO K	811	010150	020371	160890
81318	PRABHAKARA RAO D V S	812	060446	230965	090690
81319	BANSAL ATMA RAM	813	201048	040169	170790
81320	CHINNATHAMBI M	814	050351	110172	200890
81321	RAMACHARI T	815	140648	250270	230890
81322	GIRISH BALUR K	816	080652	190773	051190
81324	BANERJEE SADHAN CH	817	100143	090466	051291
81325	KRISHNAMACHARYULU GTVS	818	100452	190672	280191
81326	JAIN SUDERSHAN LAL	819	010447	010166	120790
81328	RAM MOHAN M P	820	110544	100664	191090
81329	SUNDERESAN V	821	150551	141270	
81331	RAVINDRANATHAN K	822	290942	130263	221090
81332	GANGOPADHYAYA SUSANTA	823	010150	010170	010190

P&T A/C & FINANCE		533	BLUE BOOK		
Staff No.	Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/PR
81333	RAMACHANDRAN NAIR M C	824	040442	090273	310890
81334	RAMACHANDRAN R	825	260154	270673	071190
81335	RAMULU B	826	020654	210873	310790
81336	BASLUL HUCK S S	827	280552	181072	201090
81337	NATARAJAN K	828	200649	061168	240990
81338	RAMACHANDRAN K	829	170740	150661	
81339	VIJAYAN NAIR S	830	020252	010873	250890
81340	PRABHAKARAN NAIR A G	831	230945	220469	280890
81341	VERMA HARISH NARAIN PD	832	020943	150567	
81342	VEERARAGHAVALU CH	833	110650	160371	
81343	SHANMUGAM P	834	030650	040870	141190
81344	PARASURAMAN V	835	170547	170870	230591
81346	MALLESWARA RAO L	836	150150	290970	
81347	DIVAKARAN T	837	150547	230366	191090
81348	PAUL GOPAL CH	838	050751	100272	210890
84542	TEWARI JAGADAMBA PD	839	010747	090967	130990
81350	GOPAL JOSEPH S R	840	010650	061271	010292
81351	NAIR GOPALAKRISHNAN	841	041241	010164	151090
84543	SRINIVASA RAO L	842	110541	190861	140291
84544	PARAMASIVAN V	843	071149	230669	301190
81353	SAHA MANABENDRA	844	010344	230167	201090
81354	SASIDHRAN K	845	260551	050672	181090
81355	GUPTA OM CHANDRA	846	010545	080770	241191
81356	SHENBAGARAMAN H	847	080653	151272	311090

Seen
 Account Officer (A & P)
 The C.G.M. F., Assam, C.I.S.
 Gowahati - 7

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 R-318
 Advocate.

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PET A/C & FINANCE		534		BLUE BOOK	
Staff No.	Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/PR
81359	MEHBOOB BASHA K	849	031154	161073	221290
81360	ALI MUBARK	850	080146	080267	
81361	JHA SREO NARAIN	851	080745	091068	
81363	VEERASHADRA RAO P	852	010852	130773	161290
81364	JAGANADHA RAO D	853	261140	041261	
81365	SRIVASTAVA SURESH CH	854	120642	200361	050791
81366	GANAPATHI S	855	050650	290978	180591
81368	PRASADA RAO T S R A	856	310849	190871	170191
81369	RAJESHAM S	857			
81370	BAJPAI DINESH SHANKAR	858	170743	270169	240191
81371	NAGANATHAN R	859	110951	170773	121190
84545	BANAKAR G S	860			
81372	SAHOO BIRA KISHORE	861	030147	180870	
81373	SHARMA KHAGENDRA NATH	862	010548	020371	251090
81374	CHATTERJEE ARUN KUMAR	863	090146	290466	081090
81375	RAMANAMURTHY T V	864			040193
81376	SAHOO GHANASHYAM	865	180747	260570	
81377	BHATT BAIKAB DATT	866	110141	290758	101090
81378	BEKKINKERI M K	867	110652	230673	231090
81379	DATTA HARADHAN	868	210443	280665	241090
81380	BHAVANARAYANA M	869	010747	201070	160291
81381	YADAV R K	870	051245	130668	010261
81382	AHMED ISLAM	871	300953	230173	291090
81383	BANERJEE ANKHI RANJAN	872	251245	090964	311090
81384	AHMED NISAR	873	150743	050663	310791

PET A/C & FINANCE		535		BLUE BOOK	
Staff No.	Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/PR
81385	HARIHARAN V	874	151153	120873	310191
81386	NANAJI YERRA	875	010750	201070	180391
81387	KOMATHY NAYAGAM S	876	050247	131270	311090
81388	AMBUJAN K	877	070147	120169	181090
81389	PRASAD RAJENDRA	878	010950	060871	
81390	CHINNAPPACHARYA	879	200447	180668	191190
81391	FRASAD AVADESH	880	010847	250267	281190
81392	NARASIMHA RAO A M	881	301151	101073	191090
81393	SANKARANARAYANA BHAT H	882	250950	061071	031190
81394	DAS RAMESH CHANDRA	883	041050	250772	
81395	SURYANARAYANA MURTY S	884	140849	140873	
81396	GNASEKHARAN R	885	110540	280262	240571
81397	SINGH BALBIR	886	260249	040771	
84546	JAYAVEERAN S	(SC) 887	170756	050136	281190
84547	PONNUSWAMY A	(SC) 888	250953	010976	141190
84548	MURARI LAL	(SC) 889	020948	050476	241090
84549	SWARGIARY UPEN	(OT) 890	141151	190371	011190
84550	MESHEAM B S	(SC) 891	091052	191072	
84551	MUNUSWAMY C	(SC) 892	020645	010864	011190
84552	TULSIRAM	(SC) 893	010149	200771	310191
84553	KANTIWAL T R	894	200551	010570	
84554	NAITAM G M	(OT) 895	010549	081070	
84555	SUNTA RAJENDRA PRASAD	896	230143	101064	2509
84556	SANKU GOPIESH CHANDRA	897	030949	131072	150491
81398	SUDHAKAR M	898	010551	010870	120491

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Attested
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 O. G. M. T...
 Circle, Government

PAT A/C & FINANCE		BLUE BOOK			
Staff No.	Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/PR
81399	ISSAC M I	899	170545	041167	300991
81400	GOPAL VINOD KUMAR	900	280353	211273	270391
81402	BISWAS DHANANJAY	901	301049	011169	150491
81403	MUKHERJEE BISWANATH	902	030145	130965	150491
81404	NILEKAR KRISHNAKANT	903	021243	150967	160491
81405	KRISHNAN A D	904	120545	100766	060591
81406	SINGAYACHARI G	905	060449	161269	100491
81407	NAGOO PUJARI S	906	180851	190773	180491
81408	SHANKARALINGAM G	907	180746	050966	270391
81409	DASS GOURISHANKAR	908	120251	210473	180491
81410	VENKATARAMAN S	909	290345	200665	020491
81411	BALAMBAL S E	910	250949	280269	260491
81412	PUNNOSE M I	911	150247	010771	250391
81413	KANNIYAPPAN P	912	050650	120171	180491
81414	SUBRAMANIAN K	913	100150	251169	110691
81415	SELVARAJ D	914	190147	300466	180491
81416	RAI SADA NAND	915	220544	130563	150791
81417	MURUGESAN M	916	200252	140373	010791
81418	RAMAKRISHNAN K	917	011040	101061	130591
81419	RAMACHANDRA RAO M	918	100552	210473	010591
81420	GANDHI ARUMUGAM P	919	251047	250173	100691
81421	DAS BARUN CHANDRA	920	160447	191166	150491
81422	BHATIA SUDESH KUMAR	921	020146	160465	150491
81424	NAGARAJA RAO V	922	010950	161070	060591
81425	BALAKRISHNAN T	923	030142	121064	010791

PAT A/C & FINANCE		BLUE BOOK			
Staff No.	Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/PR
81426	SAHA SADHAN CHANDRA	924	010949	210677	180491
81427	UEADHYAYA N M	925	180151	300572	010691
81428	CHAKRABORTY PRADEEP CH	926	010547	171166	210491
81429	ANJAIAN K	927	170547	250766	080691
81430	SRIDHARAN G	928	150145	150601	140491
81431	YADAV KAMALESHWAR	929	101248	061007	280391
81432	KARIHARAN G S	930	220247	130569	110791
81433	THANDAVAMURTHY P V	931	210151	050673	180491
81434	ANANTHARAMAN V	932	170645	190865	
81435	MAITRA KALIPRASAD	933	010137	280663	180491
81436	RAJESHEKHARA	934	150445	140964	260491
81437	PILLAI V R GOPALA K	935	030646	141068	220891
81438	SUBBA RAO M	936	240646	221167	200891
81439	BHATTACHARJEE BANAMALI	937	010641	240507	260491
81440	PERUMAL ILLAIYA	938	020946	060506	130591
81441	GOSWAMI M D	939	200242	080173	100491
81442	TIRUPATIAR E	940	100848	230507	160791
81443	LEHRI GURMUKH SINGH	941	010646	170555	180491
81444	VENKATAKRISHNAN R	942			240491
81445	CHANDRASEKHARA RAO Y	943	010746	160566	111191
81446	VERMA RAJU KANT	944	100151	080971	120491
81447	SHANKAR M N	945	150948	080571	120491
81448	EABU E K	946	301248	050866	180791
81449	SINGH SABAHAJIT	947	100244	101067	
81450	DORAIPAJ Z	948	040545	060166	100491

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[Signature]
 Accounts Officer (A & P)
 O/O The C.G.M.T., Assam Circle,
 Guwahati - 7

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 Advocate. 28/07/95

P&T A/C & FINANCE		540		BLUE BOOK	
Staff No.	Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/PR
81500	MOHANA KRISHNAN D	999	300952	060374	070591
81501	SHANKARAN P	1000	080503	160672	280591
81502	SURYANARAYANAMURTHY N	1001	010749	250270	110491
81503	MEENAKSHI SUNDARAM S	1002	100354	090573	130591
81504	PRASAD GOPAL	1003	060749	130772	290691
81505	SINHA R P	1004	080750	161073	120491
81506	RAJ KUMAR	1005	090451	030173	010491
81507	SHRI RAM BHAROSA	1006	200744	260968	110491
81508	CHADHA P C	1007	210740	261068	270391
81509	MAJUMDAR M K	1008	010747	120570	190491
81510	GUPTA U R	1009	171148	020169	130691
81511	ANTONY SWAMY S	1010	101254	110873	260191
81512	SINGH SHIVAPAL	1011	070444	291065	191291
81513	GHOSH ARABINDO	1012	250645	300465	
81514	SUBRAMANIAM P	1013			010591
81515	MALI S J	1014	010345	211167	160491
81516	CHANDHARY H F	1015	120550	200873	160491
81517	JAYARAMI REDDY A	1016			010791
81518	KUPPUSWAMY M	1017	090748	031167	250691
81520	SRINIVASAN B	1018	190653	291172	200591
81521	MEDHAVAN UNNI P	1019	190341	190865	090991
81522	SHANKI SUNDAR S V	1020	290249	021269	190491
81523	DEBATT R V	1021	021054	251173	230591
81524	RAMAKRISHNAN S	1022	040154	260773	030591
81525	CHAND	1023	100243	150362	070691

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P&T A/C & FINANCE		541		BLUE BOOK	
Staff No.	Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/PR
81526	AWASTHI H L				1074
81527	RAJAMANI A		1025	151254	101273 150491
81528	KRISHNAMURTHY S SIVARAM		1026	010252	120273 180791
81529	MISHRA G P		1027	010450	020771 200791
81530	RATH G P		1028	211050	010772 290591
81531	SAHU B C		1029	050845	020368 301291
81532	SHAN R M		1030	090846	160265
81533	GOPARAJU M		1031	150152	191171 270391
81534	YADAV SHRI RAM		1032	170550	230872 280291
81535	KAMA SUBBIAH T		1033		290491
81536	SADH S L		1034		
81537	SANKARA NARAYANAN M		1035	210554	190773 240491
81538	PRAJAPATI R A		1036		181191
81539	SWAMY S MUTHUKUMARA		1037	170650	030472 240491
81540	KARTHIKEYAN S		1038	150654	030974 240491
81541	AHMED SHABBIR		1039	020446	090967 180791
81542	SURYANARAYANAN R		1040	041149	160560 140491
81543	SANGAMAYYA G		1041	101050	140873 211091
81544	DHANAPAL P		1042	120934	170964 130591
81545	RAT BALESWAR		1043	010747	210368 211291
81546	JANARDHANAN H		1044	150452	020773 170591
81547	KRISHNAMACHARYULU Y V		1045	020243	120263 121191
81548	KSHIRSAGAR R G		1046	200245	091068
81549	BALASUBRAMANIAN P		1047	140347	150167 240491
81550	PATEL M L		1048	010649	060669 240491

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 Accounts Officer (A & P)
 O/O The C.G.M. (A) Assam Circle,
 Guwahati - 7

A. d.
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 Advocate.

From: M. M. Dey,
Senior Accounts Officer,
O/o the Telecom Dist. Manager,
Kamrup Telephones, Jorhat.

To:
The Chief General Manager, (Telecom),
Assam Circle, Jorhat.

Sub: REQUEST FOR STOPPING UP OF PAY AT PAR WITH JUNIOR.

Sir,

I have the honour to state that I passed the J.A.O. examination of 1974 batch and promoted as J.A.O vide D.O. letter no. 47490/54A.14.136.70 with effect from 7-6-78

That Sir, my serial no. in the blue book is I assumed charge as accounts Officer on 30.1.90 on promotion vide DOP letter no. 47490/54A.14.136.70.....

That Sir, my initial pay was fixed at Rs. 2450/- on 1.5.90 with DNI on 1.5.90 at Rs. 2525/-

That Sir, one Sri Sankar Narayanan who belongs to subsequent batch and his serial no. in the blue book is 81537 as on 1.1.89 has been promoted as accounts Officer on adhoc basis with effect from 25.4.91 and his pay was fixed at Rs. 2750/- with DNI on 1.12.91 and is working in the office of the Chief General Manager, Tezpur Circle, Assam. His pay was fixed at a higher stage than me in the time scale of 2470/3000 on account of fortuitous adhoc promotion i.e. he is enjoying the benefit of officiating promotions against A.O vacancies.

I am furnishing a comparative statement of pay drawn by me and Sri Sankar Narayanan from time to time:-

	<u>M.M.Dey.</u>	<u>K.Sankar Narayanan</u>
1. Serial No. in the blue book-----	81240.	81537
2. Seniority in the grade as per blue book as on 1.1.89.-----	746.	1035.
3. Pay as AO on 30.1.90--	2240.	2240
4. Date of DOP letter promoting as AO	12.4.90	30.3.91
5. Date of joining as AO---	30.4.90 (AF)	25.4.91.
6. Pay as AO on 1.12.91.-----	Rs. 2450/-	Rs. 2750/-
7. Pay as AO on 1.12.91.-----	Rs. 2600/-	Rs. 2825/-
8. Pay as on 1.5.90.-----	Rs. 2600/-	Rs. 2825/-

There was a long standing anomaly about the higher pay drawn by the junior in the same time scale by virtue of fortuitous promotions on adhoc basis. This anomaly was challenged in various CAT seeking justice and the Hon'ble CAT offered their judgements in favour of the complainant. But the judgement of the CAT was challenged in the court supreme court by the DOP. In the recent judgement of the Hon'ble supreme court vide SLP No. 15004 of 1991 dt. 23.8.91. (extract of the judgement is enclosed), the judgement directs the department to stop the anomaly by stepping up the pay of the seniors at par with the junior.

I, therefore request that my pay be stepped up at par with the junior i.e. from Rs. 2450/- to Rs. 2750/- with effect from 25.4.91 and to Rs. 2825/- from 1.12.91 with DNI on 1.12.91 vide SLP No. 15004 of 1991 dt. 23.8.91. With Sri K. Sankar Narayanan of Tezpur Circle.

Attested,

[Signature]
22/7/95

[Signature] 625/5

Handwritten notes and stamps on the left margin, including a date stamp '2/2/95' and some illegible text.

From :- Sri B. K. Das,
Accounts Officer / IFA
O/O The Area Director Telecom,
Guwahati - 781 007

To,
The Chief General Manager Telecom.
Assam Circle, Ulubari, Guwahati-7.

(Through proper channel)

Sub :- Request for stepping up of Pay at par with junior.

Sir,

I have passed J.A.O. Examination May '74 batch and promoted as J.A.O. on 14-7-'78 vide DOT letter no. 18-1/78/SEA dtd. 24-5-78 conveyed by G.M.T.NE Circle, Shillong No. STB-187/CA -II/1 dtd. 9-6-78.

My serial number in Blue Book is 81256. I assumed charge of Accounts Officer on 25-5-90 AN on promotion vide DOT letter no. 9-1/90 SEA dtd. 12-4-90 conveyed by C.G.M.T.-Guwahati no. STES-6/8 dtd. 22-5-90.

My initial pay was fixed @ Rs. 2,375/- with effect from 26-5-90. DNI on 1-7-90 to Rs. 2,450/-

Sri Sankarnarayanan who belongs to my subsequent batch and his serial no. in Blue Book is 81537 has been promoted as Accounts Officer on regular basis with effect from 25-4-91 and his pay was fixed at Rs. 2,750/- with D.N.I. on 1-12-91 and is working in the Chief General Manager, Telecom, Tamilnadu Circle. His pay has been fixed with higher pay in the time scale of Rs. 2,375/- - 3,500/- in view of the fortuitous adhoc promotion i.e. he was enjoying the officiating promotion against A.O.vacancies.

I am furnishing hereunder a comparative statement of pay drawn by me and Sri K. Sankarnarayanan, from time to time.

P.T.O....P/2.....

Sum,
Accounts Officer (A & P)
O/O The C.G.M.T. Assam Circle,
Ulubari, Guwahati - 781 007
The Chief General Manager,
Telecom, Assam Circle, Guwahati-7

Attested.

[Signature]
Advocate. 29/8/91

20
... : 2 : ...

	B. K. Das.	K. Sankarnarayanan
1. Serial no. in Blue Book -	81256	81537
2. DOT letter date promoting as A.O. -	12-4-90	10-3-91
3. Date of joining as A.O. -	25-5-90 AN	25-4-91
4. Pay as A.O. on 26-5-90	Rs. 2,375/-	Rs. 2,750/- (w.e.f. 25-4-91)
5. Pay as A.O. on 1-12-91 -	Rs. 2,525/-	Rs. 2,825/- (Increment from 1-12-91)
6. Pay as on 1-5-92 ... -	Rs. 2,525/-	Rs. 2,825/-

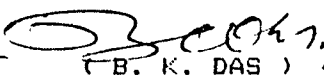
There was a long standing anomaly about the higher pay drawn by the junior in the same cadre by virtue of fortuitous officiating promotions. This has been challenged by many officials in various CAT and obtained decree in favour of them, but it was challenged by the Department in the Supreme Court. In the recent judgement of the Supreme Court vide SLP No. 13994 of 1991 dated 18-8-91 (Extract of Decision of the judgement is enclosed), the Hon'ble learned judges have struck the anomaly and directed to step up the pay of Senior officer at par with the junior. When the juniors earn increments during fortuitous adhoc promotion on the basis of local promotions leading to fixation of pay of junior at a stage higher than the senior.

I would, therefore, request that my pay may kindly be stepped up from Rs. 2,375/- to Rs. 2,750/- with effect from 25-4-91 and to Rs. 2,825/- with effect from 1-12-91 with DNI on 1-12-92 at par with that of Sri K. Sankarnarayanan, A.O., O/O The CGMT-Tamilnadu Circle, Madras.

Thanking you.

Dated :- 20-01-95.


Yours faithfully,

20.1.95  20.1.95
(B. K. DAS)
Accounts Officer/IFA
O/O The Area Director Telecom,
Guwahati - 781 007.

End. 2

Filed to C. G. M. T. H. vide Area Director No.
DIR-GH/SIB/3-133/4/1994 d. 20.1.95

Attest. eq.


Advocate

21
3C

To

The Chief General Manager Telecom,
Assam Circle,
GUWAHATI - 781007.

Sub : Request for stepping up of pay at par with Junior.

I have passed J.A.O. Examination of 1978 batch (Revised syllabus first batch) and promoted as J.A.O. vide D.O.T. Letter No. 18-5-79/SEA, dated 23-6-1979.

My serial number in Blue Book as on 1-4-89 is 81373. I assumed charge as Accounts Officer on 31-10-90 promotion vide D.O.T. letter No. 9-1/90-SEA, dated 12-7-90 and 8-10-90-

My initial pay was fixed @ Rs. 2,375.00 with effect from 31-10-90 and consequent on exercising option, my pay was fixed @ Rs. 2,450.00 with effect from 1-5-91 with DNI on 1-5-92.

Sri Sankar Narayanan who belongs to my subsequent batch and his serial Number in Blue Book as on 1-4-89 is 81537 has been promoted as Accounts Officer on regular basis with effect from 25-4-91 and his pay was fixed at Rs. 2,750.00 with D.N.T. on 1.12.91 and is working in the Chief General Manager Telecom, Tamilnadu Circle. His pay has been fixed with higher pay in the Time Scale of 2375/- to 3500/- in view of the ~~former~~ fortuitous adhoc promotion i.e. he was enjoying the officiating promotion against A.O. vacancies.

I am furnishing hereunder a comparative statement of Pay drawn by me and Shri K.Sankarnarayanan from time to time.

	<u>M. SAHA</u>	<u>K. SANKARNARAYANAN</u>
Serial number in the Blue Book	81353	81537
Seniority in AAO Cadre as per Blue Book list as on 1-4-89	00286	00470
Pay as AAO on 31-10-90	Rs. 2,240/-	Rs. 2,240.00
DOT letter date promoting as A.O.	12-7-90	10-3-91
Date of joining as A.O.	31-10-90	25.4.91
Pay as A.O. on 31-10-90	Rs. 2,375/-	Rs. 2,750/- (w.e.f. 25-4-91)
Pay as A.O. on 1-12-91	Rs. 2,450/-	Rs. 2,825/- (Increment from 1/12/91)
Pay as on 1-5-92	Rs. 2,525/-	Rs. 2,825/-

contd. on page 2

Attested.

[Signature]
Advocate


There was a long standing anomaly about the higher pay drawn by the Junior in the same Cadre by virtue of fortuitous officiating promotions. This has been challenged by many officials in various CAT and obtained decree in favour of them, but it was challenged by the Department in the Supreme Court. In the recent Judgement the Supreme Court vide SLP No. 13994 of 1991 dated 28-8-91 (Extract of Decision of the judgement is enclosed), the learned Judges have struck the anomaly and directed to step up the pay of Senior Officer at par with the Junior. When the juniors earn increments during fortuitous adhoc promotion on the basis of local promotions leading to fixation of pay of Junior at a stage higher than the Senior.


I would, therefore, request that my pay may kindly be stepped up from Rs. 2,375 to Rs. 2,750/- with effect from 25-4-1991 and to Rs. 2,825/- with effect from 1-12-91 with DNI on 1-12-92 at par with that of Sri K. Sankaranarayanan, A.O., Office of the C.G.M.T., Tamilnadu Circle, Madras.

Thanking you,

Yours faithfully,

Dated at Guwahati,
the 27-1-1995.


(MANABENDRA SAHA)
Accounts Officer (TRA),
O/O the Telecom District Manager,
Kamrup Telecom Circle, Guwahati.


Accounts Officer (A & P)
C/O The C.G.M.T., Assam Circle,
Dibrugarh - 7

From: K. N. Sarda 22
 Accounts Officer
 P.O. G.M.T. Guwahati

3D

To The Chief General Manager (Telecom)
 Assam Circle, Guwahati.

Sub:- Request for stepping up of pay at par with junior

Sir,

I have passed J.A.O. Examination of 1978 batch (Revised Syllabus First Batch) and promoted as J.A.O. vide DOT Letter No 18-5-79/SEA dated 23-6-1979.

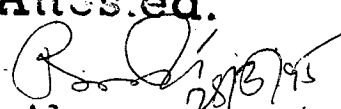
My Serial number in Blue Book as on 1-4-89 is 81373. I assumed charge as Accounts Officer on 25-10-90 on promotion vide DOT Letter No 5-1/90-SEA dated 10-10-90 and 8-10-90.

My initial pay was fixed @ Rs 2375/- with effect from 25-10-90 and consequent on exercising option, my pay was fixed @ Rs 2450/- with effect from 1.5.91 with DNI on 1.5.92.

Sri Sankarnarayanmehro belongs to my subsequent batch and his serial No in Blue Book as on 1.5.92 is 81537 has been promoted as Accounts Officer on regular basis with effect from 25-4-91 and his pay was fixed @ Rs 2450/- with effect D.I.T. on 1-12-91 and is working as General Manager, Telecom, Tezpur Circle. His pay has been fixed with higher pay in the same scale of Rs 2375/2500/- in view of the provisions under provision 5 of the conditions of the officiating promotion against A.O. vacancies.

I am furnishing herewith a Comparative Statement of Pay drawn by me and Sri K. Sankarnarayan from time to time.

	<u>K. N. Sarda</u>	<u>K. Sankarnarayan</u>
1. Serial Number in the Blue Book	81373	81537
2. Seniority in AAO Circle as per Blue Book list as on 1-4-89	00306	00470
3. Pay as AAO on 24-10-90	Rs 2240	Rs 2240

Attes. ed.

 Advocate.

K. N. Sarma

K. Sankaranarayanan

- | | | |
|---|----------|--------------------------------------|
| 4. DOT letter date
Promoting as A.O. | 12-7-90 | 10,391. |
| 5. Date of Joining
as A.O. | 25.10.90 | 25,491 |
| 6. Pay as A.O. on
25.10.90 | Rs. 2375 | Rs. 2750
(W.e.f 25-4-91) |
| 7. Pay as A.O. on
1-12-91 | Rs. 2450 | Rs. 2825
(Increment from 1-12-91) |
| 8. Pay as on 1-5-92 | Rs. 2525 | Rs. 2825 |

There was a long standing anomaly about the higher pay drawn by the Junior in the same cadre by virtue of fortuitous officiating promotions. This has been challenged by many officials in various CAT and obtained decree in favour of them, but it was challenged by the Department in the Supreme Court. In the recent judgement of the Supreme Court vide SLP No 13994 of 1991 dated 25.8.11 (Extract of decision of the judgement is enclosed), the learned Judges have struck the anomaly and directed to step up the pay of Senior officer at par with the junior. When the juniors even increments during fortuitous advance promotion on the basis of local promotions leading to fixation of pay of junior at a stage higher than the senior,

I would, therefore, request that my pay may kindly be stepped up from Rs. 2375/- to Rs. 2750/- with effect from 25.4.91 and to Rs. 2825/- with effect from 1-12-91 with DNI on 1.12.92 at par with that of Sri K. Sankaranarayanan, A.O. of the CGMT-Tamil Nadu Circle, Madras.

Thanking you.

Dated 17.1.95

Encls. - As above.

K. N. Sarma
(K. N. SARMA)
Accounts Officer (A.P.)
%CGMT-Guwahati

Attested
J. J. Alam
Accounts Officer (F.A.)
O/o, the C. G. M. Telecom
Assam Circle, Guwahati

(17)

23

3E

From :- Islam Ahmed,
Accounts Officer,
O/O Telecom. District Engineer,
Tezpur - 784001.

To
The Director General (Telecom),
Department of Telecom (SEA Section),
Sanchar Bhawan,
New Delhi-110 001.

Subj:- Request for stepping up of pay at par with junior.

Sir,

I have passed J.A.O. Examination of 1978 batch (Revised Syllabus First Batch) and promoted as J.A.O. vide DOP Letter No. 18-5-79-SEA dated 23-6-1979.

My serial number in Blue Book as on 1-4-89 is 81382.

Assumed charge as Accounts Officer on 29-10-90 and promotion vide DOP letter No. 9-1/90-SEA dated 12-7-90 and 8-10-90.

My initial pay was fixed @ Rs. 2375 with effect from 29-10-90 and consequent on exercising option, my pay was fixed @ Rs. 2450/- with effect from 1-3-91 with D.N.I. on 1-3-91.

My K. Sankaranarayanan who belongs to my subsequent batch and his serial number in Blue Book as on 1-4-89 is 81537, has been promoted as Accounts Officer on regular basis with effect from 25-4-91 and his pay was fixed at Rs. 2750/- with D.N.I. on 1-12-91 and is working in the Office of the Chief General Manager, Telecom, Tamilnadu Circle. His pay has been fixed with higher pay in the time scale of Rs. 2375-3500/- in view of the benefits of fortuitous adhoc promotion i.e. he was enjoying the officiating promotion against A.C. vacancies.

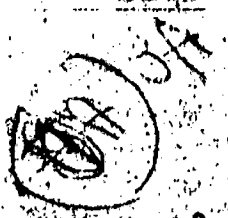
I am furnishing hereunder a comparative statement of pay drawn by me and Shri K. Sankaranarayanan from time to time.

	<u>Islam Ahmed</u>	<u>K. Sankaranarayanan</u>
1. Serial number in the Blue Book.	81382	81537
2. Seniority in AAO cadre as per Blue Book list as on 1-4-89.	00315	00470

Attested.

[Signature]
Advocate.

Contd.



	<u>Islam Ahmed</u>	<u>K.Sankanarayanan</u>
3. Pay as AAO on 28-10-90	Rs.2240/-	Rs.2240/-
4. DOP letter date promoting as AO.	12-7-90	10-3-91
5. Date of joining as AO	29-10-90	25-4-91
6. Pay as AO on 29-10-90	Rs.2375/-	Rs.2750/- (w.e.f.25-4-91)
7. Pay as AO on 1-12-91	Rs.2450/-	Rs.2825/- (Increment on 1-12-91)
8. Pay as on 1-4-92	Rs.2525/-	Rs.2825/-

There was a long standing anomaly about the higher pay drawn by the junior in the same cadre by virtue of fortuitous officiating promotions. This has been challenged by many officials in various CAT and obtained decree in favour of them but it was challenged by the Department in the Supreme Court. In the recent judgement of the Supreme Court vide SLP No. 13994 of 1991 dated 28-8-91 (extract of the decision of the judgement is enclosed), the learned judges have struck the anomaly and directed to step up the pay of Senior Officer on par with the junior when the juniors earn increments during fortuitous adhoc promotion on the basis of local promotions leading to fixation of pay of junior at a stage higher than the senior.

I would therefore request that my pay may kindly be stepped up from Rs. 2375/- to Rs. 2750/- with effect from 25-4-91 and to 2825/- with effect from 1-12-91 with D.N.I. on 1-12-1992 at par with that of Shri K. Sankanarayanan, A.O., O/O the CGMT/Tamil Nadu Circle, Madras-600002.

Thanking you,

Yours faithfully,

(Islam Ahmed)

Dated 17-1-95

[Signature]
Accounts Officer (A & P)
O/O The C.G.M.T., Assam Circle,
Gowahati - 7



24 . 31
DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER
ASSAM TELECOMMUNICATIONS CIRCLE
GUWAHATI-781007

To
The Chief General Manager
Assam Telecom Circle
Guwahati-781007

Dated: 10-2-95

Sub:- Request for stepping up of pay at par with junior.

I have passed JAO Examination of 1978 batch (Revised syllabus first batch) and promoted as JAO vide DOT letter NO. 18-5-79/SEA dt. 23-6-79. My serial number in Blue Book as on 1-4-89 is 81442. I have been promoted as Accounts Officer vide D.O.T. letter NO. 9-1/91-SEA dt. 25-3-91. My initial pay was fixed @ Rs 2375/- from 12/2/91 to 15/7/91 and on regular basis @ Rs 2450/- from 16/7/91.

Shri Sankaranarayanan who belongs to my subsequent batch and his serial number in Blue Book as on 1-4-89 is 81537 has been promoted as Accounts Officer on regular basis with effect from 25-4-91 and his pay was fixed @ Rs 2750/- with DNI on 1/12/91 and is working in the Chief General Manager Telecom Tamil-nadu Circle. His pay has been fixed with higher pay in the time scale of Rs 2375/3500/- in view of the fortuitous adhoc promotion i.e. he was enjoying the officiating promotion against A.O. vacancies.

I am furnishing here under a comparative statement of pay drawn by me and Shri K. Sankaranarayanan from time to time.

	<u>B. TIRUPATAIAH</u>	<u>K. SANKARANARAYANAN</u>
1) Serial NO. in Blue Book	81442	81537
2) Serial NO. as AAO cadre as per Blue Book list as on 1-4-89.	00375	00470
3) Pay as AAO as on 25-4-91.	2240/-	2240/-
4) Pay on 25/4/91 as AO.	2375/-	2750/-
5) Pay on 16/7/91 as AO.	2450/-	2750/-
6) Pay on 1/12/91 as AO.	2450/-	2825/-
7) Pay on 1/7/92	2525/-	2825/-

P.T.O.

Advised.
B. S. 20/3/95
Advocate. 20/3/95

There was a long standing anomaly about the higher pay drawn by the junior in the same cadre by virtue of fortuitous officiating promotions. This has been challenged by many officials in various C.A.T. and obtained decree in favour of them, but it was challenged by the Deptt. in Supreme Court. In the recent judgement of the Supreme Court vide SLP NO. 13994 of 1991 dt. 28/8/91 (extract of judgement enclosed) the learned judges have struck the anomaly and directed to step up the pay of senior officer at par with the junior when the junior earns increments during fortuitous adhoc promotions on the basis of local promotion leading to fixation of pay of junior at a stage higher than the senior.

I would therefore request that my pay may kindly be stepped up from Rs 2375/- to Rs 2750/- with effect from ~~1-12-91~~ 25/4/91 and to Rs 2825/- with effect from 1-12-91 with DNI on 1-12-92 at par with ~~rank~~ that of Shri K. Sankaranarayanan AO O/O the C.G.M.T. Tamilnadu Circle Madras.

Thanking You

Guwahati:- 10-2-95

Yours faithfully

B. Tirupataiah
 (B. TIRUPATAIAH)
 ACCOUNTS OFFICER (SBP)
 O/O THE CHIEF GENERAL MANAGER
 ASSAM TELECOM CIRCLE
 GUWAHATI-781007

Account
ms
 Accounts Officer (A & P)
 O/O The C.G.M.T., Assam Circle
 Guwahati

-20- 4A

GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER::ASSAM TELECOM. CIRCLE
ULUBARI::GUWAHATI- 781007.

NO. ESTQ-2/351

Dated at Guwahati, ~~the~~ 15th Feb 95

To

~~Sri M. M. Das,~~
~~So. No. 70-1st~~
~~TDM/6 Guwahati-7.~~

Sub:- Anomally in pay fixation.

Ref:- Your dep'n. dtd. 6.2.95

With reference to the above subject and correspondence this is to be intimated that Sri/Smti. Sankar Narayan Das who is junior to you may be drawing higher pay because of his promotion locally to officiate as A.O. before his regular promotion to the grade.

It has been clarified DOT/ND that the disparity of pay arising out adhoc officiating position does not constitute an anomally for the purpose of stepping up of the pay of the senior.

Accountant
ms
Accounts Officer (A & P)
O/O The C.G.M.T., Assam Circle,
Guwahati - 7

15/2/95
(K.S.K. Prasad Sarma)

Asstt. Director Telecom. (Staff)
for Chief General Manager
Assam Telecom. Circle, Guwahati-7.

Advocate

Advocate
Advocate

26

11

4B

GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER: ASSAM TELECOM. CIRCLE
GUWAHATI: GUWAHATI-781001.

4/3/61
NO. ESTD-4/17/21

Dated at Guwahati, the 31-01-95.

To

Shri B.K. Das, A.O.
o/o the Area Director Telecom,
Guwahati-781007

Sub:- Apply in pay fixation.

Ref:- Your representation dated 20-1-95

< Sankar Narayan

With reference to the above subject and correspondence, this is to be intimated that Shri A.C. Chakraborty who is junior to you may be drawing higher pay due to his promotion locally to officiate as A.O. before his regular promotion to the grade.

It has been clarified by DOT that disparity of pay arising out of officiating position does not constitute an anomaly for the purpose of stepping up of pay of the senior.

A copy of DOT letter No. 4-31/92-PAY dated 31-05-93 is enclosed herewith for ready reference.

31/1/95

Encl:- One.

(K.S.K. Prasad Sarma)
Asstt. Director Telecom. (Staff)
for Chief General Manager
Assam Telecom. Circle Guwahati-7.

Handwritten signature/initials

Attended.

Advocate. [Signature]

27 LC

39

GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER::ASSAM TELECOM. CIRCLE
ULUBARI::GUWAHATI- 781007.

NO. ESTQ- 2/1.

Dated at Guwahati, the 15th Feb'95

To

Smt. M. Saha,
Ex. AO (TRA) of the
TDM/AH-7.

Sub:- Anomally in pay fixation.

Ref:- Your depn. dated 27.1.95

With reference to the above subject and correspondence this is to be intimated that Sri/Smt. Sankar Nathyan, AO. who is junior to you may be drawing higher pay because of his promotion locally to officiate as A.O. before his regular promotion to the grade.

It has been clarified DOT/ND that the disparity of pay arising out adhoc officiating position does not constitute an anomally for the purpose of stepping up of the pay of the senior.

[Signature]
Accounts Officer (A & P)
O/O The C.G.M.T., Assam Circle,
Guwahati-7

[Signature]
15/2/95
(K.S.K. Prasad Sarma)
Asstt. Director Telecom. (Staff)
for Chief General Manager
Assam Telecom. Circle, Guwahati-7.

Ames ed.

[Signature]
Advocate.

28

4D

u^o

GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER::ASSAM TELECOM. CIRCLE
ULUHARI::GUWAHATI- 781007.

NO. ESTD- 1/1-9

Dated at Guwahati 15-2-95.

To
Sri K.N. Sharma
AOCARD
Circle Office, Guwahati.

Sub:- Anomally in pay fixation.
Ref:- Your representation dt 17-1-95.

With reference to the above subject and correspondence this is to be intimated that Sri/Smti. K. Anand ^{Sankaranarayanan} ~~Madan~~ who is junior to you may be drawing higher pay because of his promotion locally to officiate as A.O. before his regular promotion to the grade.

It has been clarified DOT/ND that the disparity of pay arising out adhoc officiating position does not constitute an anomally for the purpose of stepping up of the pay of the senior.

(Signature)
(K.S.K. Prasad Sarma)
Asstt. Director Telecom. (Staff)
for Chief General Manager
Assam Telecom. Circle, Guwahati-7.

Attested
(Signature)
O/o. the C. G. M. Telecom
Assam Circle, Guwahati-

A.C. Co.
(Signature)
Advocate

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER: ASSAM TELECOM. CIRCLE
GUWAHATI: GUWAHATI-781001.

11

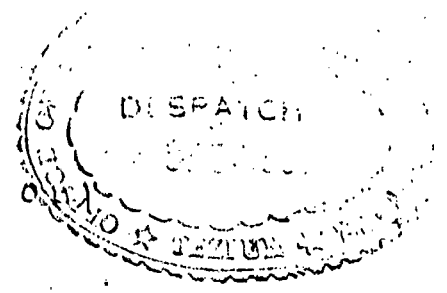
NO. ESTG-4/15/22

Dated at Guwahati, the 31-01-95.

To

Shri Gelam Ahmed, A.O.

c/o T.D.E. Tezpur - 784



Sub:- Anomaly in pay fixation.

Ref:- Your representation dated 17-1-95
L.K. Sarma

With reference to the above subject and correspondence, this is to be intimated that Shri/R.C. Chakraborty who is junior to you may be drawing higher pay due to his promotion locally to officiate as A.O. before his regular promotion to the grade.

It has been clarified by DOT that disparity of pay arising out of adhoc officiating position does not constitute an anomaly for the purpose of stepping up of pay of the senior.

A copy of DOT letter No.4-31/92-PAT dated 31-05-93 is enclosed herewith for ready reference.

31/1/95

Enclos:- One.

(K.S.K. Prasad Sarma)
Asstt. Director Telecom. (Sc&F)
for Chief General Manager
Assam Telecom. Circle, Guwahati-7.

ms
Accounts Officer (A & P)
The C.G.M.T., Assam Circle,
Guwahati - 7

Att. & ed.

R. An
20/1/95
Advocate.

30. 4F

GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER::ASSAM TELECOM. CIRCLE
ULUBARI::GUWAHATI- 781007.

NO. ESTQ-2/262

Dated at Guwahati the 15th Feb' 95

To

Sri B. Tioupataiah,
AO (SBP) of the
CHMT/Guwahati-7.

Sub:- Anomally in pay fixation.

Ref:- Your letter dtd. 10-2-95.

K. Sankarajayana

With reference to the above subject and correspondence this is to be intimated that Sri/Smt. ~~Ratan Ch. Chakrabarty~~
AO (SBP) TDF/Krishnagan who is junior to you may be drawing higher pay because of his promotion locally to officiate as A.O. before his regular promotion to the grade.

It has been clarified DOT/ND that the disparity of pay arising out adhoc officiating position does not constitute an anomally for the purpose of stepping up of the pay of the senior.

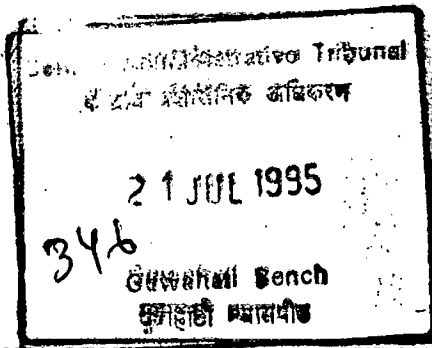
Seen,
[Signature]
Asstt. Director Telecom. (Staff)
for Chief General Manager
Assam Telecom. Circle

[Signature]
16/2/95

(K.S.K. Prasad Sarma)
Asstt. Director Telecom. (Staff)
for Chief General Manager
Assam Telecom. Circle, Guwahati-7.

Agg. ed.
[Signature]
28/2/95
Advocate.

-21-



Filed by:

Guwahati
 (MD. SHAUKAT ALI) 27/6/95
 Sr. Central Govt. Standing Counsel
 Central Administrative Tribunal

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH AT GUWAHATI:

IN THE MATTER OF :-

O.A. NO. 65/95

Sri Monomohan Dey and 5 others.

-Vs-

Union of India and others.

-And-

IN THE MATTER OF :-

Written Statements submitted by
the Respondents No. 1, 2 & 3.

WRITTEN STATEMENTS::

The humble Respondents submit
their written statements as
follows :-

1. That with regard to statements made in paragraphs 1 to 3 of the application, the Respondents have no comments on them.

2. That with regard to statements made in paragraphs 4.1 to 4.4 of the application, the Respondents beg to state that they have no comments on them, the same being matters of record.

3. That with regard to statements made in paragraph 4.5 of the application, the Respondents beg to state that the pay on promotion of Sr. R.C. Chakravarty was fixed at Rs. 2750/- by virtue of his pay in the earlier cadre before promotion and fixation of pay on promotion has got nothing to do

with the seniority of the official. Fixation benefit is a pecuniary benefit arising out of applying Rule-FR-22 (i)a(i) and depends on the existing pay of the applicant on the date of his getting promotion.

4. That with regard to statements made in paragraph 4.6 of the application, the Respondents beg to state that they have no comments on them, the same being matters of record.

5. That with regard to statements made in paragraph 4.7 of the application, the Respondents beg to state that the orders issued by different benches of CAT is not applicable in their case. Because as per the observations of Department of Personal and Training the benefits of the judgment cannot be extended to other similarly placed Govt. servants. These cases do not constitute an anomaly and stepping up of pay can not be allowed under the existing orders. The copy of the letter No.4-31/92-PAT dt. 31.5.93 issued by Telecom. Directorate bearing these instructions is annexed at Annexure-I.

6. That with regard to statements made in paragraph 4.8 of the application, the Respondents beg to state that only a mechanical order was passed regarding their representation for stepping up their pay, is not correct. The said orders of similar type was passed as all the cases are of similar nature and before passing the orders all the aspects of it were duly considered.

✕.

7. That with regard to statements made in paragraph 4.9 of the application, the Respondents have no comments on them.

8. That with regard to statements made in paragraph 5, regarding Grounds for relief with legal provisions, the Respondents beg to state that none of the ground is maintainable in law as well as in facts and as such the application is liable to be dismissed. The Respondents further ~~begs beg to state that~~ ^{State} ~~the grounds shown by the applicants the Respondents~~ beg to state that the grounds for relief emphasized by them ^{applicants} are totally inadequate. The said Shri R.C. Chakraborty was drawing more pay than the applicants, when all of them was working together in the previous cadre. On promotion every body's pay was fixed discretely on a case to case basis applying Rule FR-22(i) a(i) taking their existing pay on the previous cadre as the basis. Shri R.C. Chakraborty's pay was fixed at a higher level than the applicant's pay was fixed, by virtue of his pay in the previous cadre. These do not give any right to the applicants to have their pay stepped up at the same level as that of Shri R.C. Chakraborty.

9. That with regard to statements made in paragraphs 6 and 7 of the application, the Respondents have no comments on them.

10. That with regard to statements made in paragraph 8, regarding Reliefs sought for the Respondents beg to state that the applicants are not entitled to any of the

reliefs sought for and as such the application is liable to be dismissed.

11. That with regard to statements made in paragraphs 9 of the application, regarding Interim order prayed for, the Respondents beg to state that in view of the facts and circumstances narrated above the Interim order is liable to be dismissed.

12. That with regard to statements made in paragraphs 10 to 12 of the application, the Respondents have no comments on them.

13. That the Respondents submit that the application is devoid of merit and as such the same is liable to be dismissed.

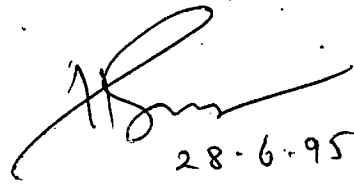
- 45 -

- Verification -

I, Shri H. Sinha, Asstt. Director Telecom(HRD),
O/O the C.G.M.T., Ulubari, Guwahati-7 being authorised do
hereby solemnly declare that the statements made above are
true to my knowledge, belief and information.

And I sign this verification on this 28 th day
of JUNE'95 at GUWAHATI.

Declarant:



28-6-95

Asstt. Director Telecom (HRD)
O/o the C. G. M. T. Assam Circle,
Guwahati-781 007

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TRUE COPY

-3/2
Annexure-I 45

Government of India
Ministry of Communications
Department of Telecommunications
Sanchar Bhavan, New Delhi

No. 4-31/92-PAT

Dated at ND, 31-5-1993.

To

All Heads of Telecom.Circles/
All Heads of Telephone Districts/
All Heads of other Administrative Officers/
H.T.N.L. New Delhi/ Bombay
V.S.N.L. New Delhi/ Bombay

Subject: Stepping up of pay of Senior in case Junior Drawing
more pay due to fortutous increase of pay.

.....

Sir,

I am directed to say that number of cases are being received from different circles with requests for stepping up of their pay with reference to that of their juniors who are drawing more pay due to fortutous increase viz.ad-hoc or officiating promotions etc. To support their claim they has been referring to the judgement dated 15-11-91 given by CAT,Hyderabad Bench in O.A. No.816/1989 filed by Smt.N.Lalitha and others of Department of mines.

The case of stepping up of pay has been examined in consultation with the DOP & Trg;and it has been clarified that the benefits of the judgement can not be extended to other similarly placed Goyt.servants. These cases do not constitute an anomaly and stepping up of pay can not be allowed under the existing orders.

As such the circles may inform the concerned officials/officers accordingly and representation in future, needs not be forwarded to this Directorate. The cases already pending with us along with the service books will be returned to the circles seperately.

Yours-faithfully

SD/-

(BUDH PRAKASH)

ASSTT. DIR.GENERAL(TE)