

**Central Administrative Tribunal
Madras Bench**

OA/310/01779/2016

Dated the 5th day of March Two Thousand Twenty

P R E S E N T

**Hon'ble Mr. P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)**

Smt.S.Muthulakshmi,
W/o late Shri Solaimuthu,
23, Equipment Depot,
Air Force Station, Avadi,
Chennai 600 055.
By Advocate **M/s.Paul & Paul**

.. Applicant

Vs.

1. Union of India, rep, by its
Secretary,
M/o Defence,
Department of Defence Production,
South Block, New Delhi 110001.
2. The Air Officer in Charge (Administration),
Air Headquarters,
Vayu Bhavan, Subreto Park,
New Delhi 110106.
3. The Air Officer Commanding Chief-in-Charge,
Headquarters Maintenance,
Command Vayusena Nagar,
Nagpur 440007.
4. The Air Officer Commanding,
23, Equipment Depots,
Air Force Station, Avadi,
Chennai 600055.

.. respondents

By Advocate **Mr.M.T.Arunan**

ORDER

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

The above OA is filed seeking the following relief(s):-

“for quashing of the order No.Air HQ/23077/Tele Optr/PC-3 dated 18.1.2016 of the 2nd respondent and 23ED/3001/38422/PC dated 04.2.2016 of the 4th respondent as illegal and void;

For a consequential direction to the respondents to grant the applicant the pay scale of Rs.3200-4900 for Telephone Operator Grade II and the pay scale of Rs.5000-8000 (V Pay Commission) for Grade I on the date when the applicant was holding the said Grades and thereupon fix the pay scale in the pay band 2 (S-9) Rs.9300-34800 in the grade pay of Rs.4200/- after 01.01.2006 (6th Pay Commission) with all attendant benefits like arrears of pay and allowances, pension benefits etc.

Pass such further or other relief or reliefs as this Tribunal may deem fit an proper in the circumstances of the case and thus render justice.”

2. The applicant's husband Shri C.Solaimuthu was appointed as Telephone Operator Grade II on 24.12.1996. He passed away on 10.7.08 while on duty.
3. The applicant's husband was working as Telephone Operator grade II under 4th respondent. He was drawing pay scale of Rs.3050-4590 and thereafter he was working as Telephone Operator Grade I. When the 5th CPC came, her husband was given pay scale Rs.4000-6000.
4. Similarly placed employees like her husband approached various Benches of CAT seeking higher pay scale on par with similarly placed employees in other

departments. The above cases were decided in favour of the applicants therein and the respondents had implemented the orders passed by the Benches. The applicant seeks the same benefit to her husband as ordered by the CAT, Principal Bench in OA 1525/10 dt. 13.1.2011 and this Bench order in OA 327/11 dt. 06.12.13 wherein a junior to the applicant's husband was given relief. The respondents had implemented the order of this Tribunal in OA 327/11 dt. 06.12.13. A copy of the order of implementation of the Principal bench in OA 1525/10 dt. 30.7.11 is produced as Annexure A7. A copy of the order passed by CAT, Chennai Bench in OA 327/11 is produced as Annexure A9.

5. Eventhough the applicant herein had given representation to consider the case of her husband and grant him the benefit of OA 327/11 which was given to A.C.Sasikumar, the respondents had rejected the same as per impugned orders dt. 18.1.16 and 04.2.16.

6. The short question to be decided is whether the benefits granted to Telephone Operators as per Principal Bench order in OA 1525/10 and OA 327/11 of Chennai Bench can be extended to the husband of the applicant Shri C.Solaimuthu who was working as Telephone Operator Grade I at the time of his death in 2008 and grant pay scale Rs.3200-8000 for Grade I and to get consequential fixation of pay Rs.9300-34800.

7. The respondents filed reply denying the averments made in the OA. They would content that Civilian Switch Board Operators in various organizations under

the Ministry of Defence cannot be considered at par with their counterparts in General Staff Branch on the ground that their modes of recruitment is different and there is no parity. Eventhough there was a consolidated proposal for upgradation of pay scales of Telephone Operators/CSBO, but it was not acceded to. They admitted that the CAT order in OA 327/11 was implemented. According to the respondents, there is no general directions applicable to all the Telephone Operators and hence the CAT order was implemented as an order in personam.

8. We had carefully gone through the decision in ***SK Wadhwa & Others v. Union of India & Others in OA 1525/10 dt. 13.1.2011*** of Principal Bench and the judgment of this Tribunal in ***A.C.Sasikumar v. Union of India & others (OA 327/2011 dt. 06.12.13)***. The applicant's husband in this OA is similarly placed as that of the applicants' in the earlier cases and the deceased Shri C.Solaimuthu is also entitled to get the benefit granted to the applicants in OA 1525/10 and OA 327/11 which has already become final. The judgment in ***SK Wadhwa & Others***'s case followed the order of the Ernakulam Bench in OA 368/09 and Bangalore Bench in OA 188/09. There is no reason to deny the above benefits to the husband of the applicant in this case.

9. In the result, the impugned orders passed by the respondents dt. 18.1.16 and 04.2.16 is set aside. The respondents are directed to consider the case of the applicant's husband Shri C.Solaimuthu in the light of the decision in OA 327/11 and

extend the benefit of fixation of higher pay scale to the applicant's husband as has been granted to the applicant in OA 327/11 with all consequential benefits thereof. This exercise shall be completed within a period of six months from the date of receipt of a copy of this order.

10. Accordingly, the OA is allowed. No order as to costs.

(T.Jacob)
Member(A)

05.03.2020

(P.Madhavan)
Member(J)

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