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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH,

O.A.NO.1606/98

New Delhi, this the 11th day of September, 2003

Hon'ble Mrs. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Mr. S. K. Naik, Member (A)

1. All India Telecom Civil Wing
Non-Gazetted Employees Union
through its General Secretary
Shri M.R.Vashisht
RZ-69, South Extension Part-III
Shukkar Bazar, Uttam Nagar
New Delhi-59
2. Shri S.S.Misra
Electrician
r/o B-33, Type II Qtrs.
Telecom Staff Colony
Vivek Vihar (Jhilmil)
Delhi-95 .. Applicants

(By Shri E.X.Joseph, learned senior counsel and
Shri T.M.Ranganathan, learned counsel)

Versus

- (1.) The Chairman
Telecom Commission
Department of Telecom
Sanchar Bhawan, New Delhi
2. The Chairman
Telecom Commission
Department of Telecom
Sanchar Bhawan, New Delhi
3. The Chairman-cum-Managing Director
BSNL, Statesman Building
Connaught Place, New Delhi
4. The Chairman-cum-Managing Director
MTNL, Jeevan Bharati Building
Connaught Place,
New Delhi .. Respondents

(By Shri R.N.Singh, learned counsel for Respondents 1 - 3
and Shri Satish Kumar, learned proxy counsel for
Shri V.K.Rao, learned counsel for Respondent 4)

O R D E R (ORAL)

Hon'ble Mrs. Lakshmi Swaminathan, VC (J):-

This application has been filed by the Association of non-gazetted employees in the Telecom Department, (Civil Wing) praying for a direction to the respondents to grant them all the benefits which accrued to the CPWD staff (work-charged/regular classified) on implementation of the Arbitration Award dated 30.1.1988. They have also

V. *✓* Memo of parties Corrected as per order in
RA 87/2005, MA 781/05 in OA 1606/98 dated 6-12-2005

1. Union of India Through the Secretary to Government
Ministry of Communications,
Sanchar Bhawan, New Delhi 110001
Handby

D.R (J)

10-1-06,

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relied upon the judgment of the Hon'ble Delhi High Court dated 19.11.1996 in CWP-2792/88. They have prayed that the benefit of the Arbitration Award may be given to the applicants. Their contention is that they originally belonged to the Maintenance Staff of the Civil Wing of the Telecom Department and are governed by the same terms and conditions of service as are applicable to similarly ¹³ situated persons in CPWD.

2. Shri E.X.Joseph, learned senior counsel for applicants has contended that once a specialised body, like Central Pay Commission, has recommended that the technical staff of the Department of Telecom will be placed at par with the technical staff in the CPWD, there is no reason why respondent Nos. 1 and 2 should not extend the same benefits of pay scales to the applicants which have been given to their counter-parts in CPWD. He has also relied on the orders of the Tribunal (Hyderabad Bench) in B. Ashok Kumar & ors. v. Union of India & anr. (OA-1394/95) decided on 5.3.1998 and Hukum Singh & ors. v. Union of India & ors. (OA-96/97) decided on 22.3.2000, copies placed on record. He has submitted that these orders are fully applicable to the applicants and those orders have also been implemented.

3. On the other hand, Shri R.N.Singh, learned counsel for respondent Nos. 1 to 3 has disputed the above-facts. According to him, the Arbitration Award dated 30.1.1988 applies only to CPWD employees and not to the applicants who are employees of a totally different department, i.e. Civil Wing of the P&T Department.

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4. Shri Satish Kumar, learned proxy counsel for respondent No.4 - MTNL - has submitted that they are not ~~the~~ necessary parties in this case because the applicants are not seeking any relief against them.

5. Shri R.N.Singh, learned counsel has taken a preliminary objection that as the applicants are working in Bharat Sanchar Nigam Limited (BSNL), the Tribunal does not have any jurisdiction in the matter. However, we note from the claims made by the applicants that, what they are seeking are the benefits which had accrued to the CPWD staff under the aforesaid Arbitration Award dated 30.1.1988 when P&T Civil Wing was part of the Department of Telecommunication under the Government of India.

6. We note from Tribunal's order dated 21.5.2001 that the OA was disposed of, without recording any findings on merits, with a direction to the respondents to deal with the proposal contained in letter dated 13.2.2001. The concerned decision was to be taken by the BSNL. Learned senior counsel for applicants has submitted that that decision has been taken by the BSNL after Tribunal's order dated 8.4.2002 on 22.4.2002. He has submitted that the decision with regard to the pay of the applicants prior to 1.1.2000 when the BSNL was notified, has still not been taken by respondent Nos.1 and 2.

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7. After hearing the learned counsel for the parties for sometime, we note that the submissions of the learned senior counsel for applicants that in spite of several representations made by them to the respondents, no final decision has been taken by them so far.

8. In the facts and circumstances of the case, we consider it appropriate to dispose of this OA with the following directions:-

- i) The applicants may submit a self-contained and detailed representation, annexing relevant documents they rely upon, addressed to respondent No.1 within one month from the date of receipt of a copy of this order,
- ii) On receipt of the aforesaid representation, the respondent Nos. 1 to 3 shall consider the claims of the applicants, keeping in view the provisions of law, rules and instructions and take a final decision in the matter by passing a reasoned and speaking order; and
- iii) the above action shall be taken within five months from the date of receipt of the representation from the applicants.

9. In this view of the matter, we are not expressing any view on the merits, including limitation, ^{view} in the case.

No order as to costs.

Naik
(S. K. Naik)
Member (A)

Lakshmi Swaminathan
(Mrs. Lakshmi Swaminathan)
Vice Chairman (J)

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0 respondents No.s 1 to 3 in para 8 (ii) of the above judgement may be read as 1 to 4 as per orders in RA NO 87/05 & MA 781/05 in OA 1606/98 dated 6-12-2005.

DR(J)
10-01-06