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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

D.A. No. 2692/92

New Delhi: this the 20th day of May, 1999.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MR. T. N. BHAT, MEMBER (J).

1. N.C. JOSHI

S/O Shri J.D. Joshi

Aged about: 38 years,

R/O: Qr. No. 31,

Sector-6,

R.K. Puram,

New Delhi.

AND EMPLOYED AS:

Upper Division Clerk

in the Mahanagar Telephone

Nigam Limited, (M.T.N.L.)

Delhi.

2. TARUN SHARMA

S/O Shri S.P. Sharma,

Aged about 30 years,

R/O: Geeta Colony

(Qr. No. 2/65),

New Delhi.

3. Mrs. Maythili Shantharam

W/O Shri M.R. Shantharam

Aged about: 35 years,

R/O: Flat -139, Prasad Nagar,

New Delhi.

4. Mrs. GEETA SHARMA

W/O Shri S.K. Sharma,

Aged about: 30 years,

R/O: Qr.No.15/258,

Lodi Colony,

New Delhi.

5. MRS. SHEELA MOHAN
W/O Shri K.P. Mohan,
Aged about: 33 years,
R/O: G-2, Press Apartment,
Patpar Ganj,
New Delhi.

6. SUNIL DUTT JHINGAN
S/O Shri J.D. Jhingan
Aged about: 33 years,
R/O: D-143, Moti Bagh,
New Delhi.

7. BHAJAN LAL
S/O Shri Badley Ram
Aged about: 38 years,
R/O: 2009, Pillanji,
Kotla Mubarakpur,
New Delhi,

8. BABU LAL
S/O Shri Chotey Lal
Aged about: 38 years,
R/O: 570, Prem Nagar,
New Delhi-110003.

9. SHRI L.D. JOSHI
S/O Shri P.D. Joshi,
Aged about: 38 years,
R/O: H-158, Sector 22,
N O I D A

10. K.K. PANDEY
S/O Shri Arvind Pandey,
Aged about: 35 years,
R/O: Qr.No.505,
Sector-6,
R.K. Puram,
New Delhi.

11. MRS. INDERJEET KAUR
W/O Shri P.P. Gujral
Aged about: 38 years,
R/O: B-308/2, Hari Nagar,
New Delhi.

12. MRS. SANTOSH PATIYAL
W/O Shri G.S. Patiyal
Aged about: 36 years,
R/O: Qr.No.1242,
Sector 5,
R.K. Puram,
New Delhi.

13. MRS. PARMINDER PAUL
W/O Shri H.B. Singh,
Aged about: 38 years,
R/O: A-27, Lajpat Nagar,
New Delhi.

14. MRS. RITA SACHDEVA
W/O: Shri Anil Sachdeva,
Aged about: 38 years,
R/O: GH-10/44-D,
Sunder Apartments,
Patpar Ganj,
New Delhi.

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15. R.R. VERMA

S/O Shri J.B. Verma,
Aged about: 38 years,
R/O: Qr.No.705,
Sector 6,
R.K. Puram,
New Delhi.

16. A.K. KAPOOR

S/O Shri R.N. Kapoor
Aged about: 40 years,
R/O: Qr.No.425,
Sector 6,
R.K. Puram,
New Delhi.

17. SUKHBIR CHAND

S/O Shri Jai Parkash
Aged about: 36 years,
R/O: House No.368,
Village and P.O. Barwala,
Delhi - 110039.

18. SMT. GAYATRI DEVI

W/O Shri R.P. Sharma,
Aged about: 34 years,
R/O: 117/8, Thomson Road,
Railway Colony,
New Delhi.

19. MRS. RAJ KUMARI

W/O Shri Harish Balani
Aged about: 31 years,
R/O: 5/52, Old Rajinder Nagar,
New Delhi.

20. ANIL KUMAR
S/O Shri M.M. Gupta,
Aged about: 36 years,
R/O: 346, AGCR Enclave,
New Delhi - 110092.

21. MRS. SRI LAKSHMI GUPTA
W/O Shri S.N. Gupta,
Aged about: 36 years,
R/O: AC-II-124, L.I.G.
Shalimar Bagh,
New Delhi.

22. TAPAS MITRA
S/O Shri B.N. Mitra,
AGED about: 32 years,
R/O: JC/I/E/L.I.G.
Mayapuri,
New Delhi.

23. K.C. DEWESAR
S/O Kishori Lal
Aged about: 36 years,
R/O: Qr.No.538, Sector 6,
R.K. Puram,
New Delhi.

24. DHARAMBIR SINGH DOBAS
S/O Shri Chander Singh,
Aged about: 35 years,
R/O: 290, Village and P.O.
Barwala, Delhi - 110039.

25. SMT. SANTOSH DEVI
W/O Shri Rohtash Singh Malik,
Aged about: 37 years,
R/O: D-13, Yadav Nagar,
New Delhi.

26. BHUPINDER SINGH
S/O Shri Daleep Singh,
Aged about: Years,
R/O: WZ-595, Shiv Nagar,
New Delhi.

27. MRS. Urvinder Kaur
W/O Shri Sarvjeet Singh,
Aged about: 33 years,
R/O: B-7, Hari Nagar,
New Delhi.

28. Purnima Kakar
W/O Shri Sunil Kakar
Aged about: 32 years,
R/O: R-579, New Rajinder Nagar,
New Delhi.

29. SMT. PREM KALA BUTAN
W/O Sudesh Kumar
Aged about: 33 years,
R/O: 2500, Kucha Bqua Ullah Khan,
Daryaganj,
Delhi.

30. SMT. CHANDER KANTA
W/O Shri Harish Kumar
Aged about: 33 years,
R/O: 3055-A, Mahindra Park
Rani Bagh,
New Delhi.

31. SMT. NEELAM NARULA
W/O Shri Mukesh Narula
Aged about: 31 years,

R/O: DB-105-D, Hari Nagar,
New Delhi.

32. SMT. RENU MEHRA
W/O Shri S.K. Mehra,
Aged about: 31 years,
R/O: C-7/57-A,
Lawrence Road,
New Delhi.

33. SMT. RENU WASAN
W/O Shri Ravinder Wasan
Aged about: 35 years,
R/O: 9A/8, East Patel Nagar,
New Delhi.

34. SMT. JASMINE JOLLY
W/O Shri Praveen Jolly,
aged about: 33 years,
R/O: C-539, Sekh Sarai,
New Delhi.

35. SMT. MANJEET SINGH
W/O Shri Sahib Singh,
Aged about: 31 years,
R/O:

36. MRS. RAMA RANI NAGAR
W/O Shri Arun Nagar,
Aged about: Years,
R/O:

43. RAKESH PANDIT
S/O Shri S.N. Pandit,
Aged about: 34 years,
R/O: 115-D/DA, Hari Nagar,
New Delhi.

44. BRIJLESH KUMAR
W/O Shri B.L. Sharma
Aged about: 39 years,
R/O: Qr.No.53,
Sector 6,
R.K. Puram,
New Delhi.

45. MRS. SHASHI BHATNAGAR
W/O Shri Dinesh Bhatnagar,
Aged about: 32 years,
R/O: C-13E, Munirka, (D.D.A)
New Delhi.

46. SATPAL
S/O Shri Ram Saroop
Aged about: 41 years,
R/O: C-11/176, Rohini,
New Delhi.

47. P.K. JAIN
S/O Shri N.C. Jain,
Aged about: 35 years,
R/O: 396/1, D-6, Rohini,
New Delhi.

48. CHANDER MOHAN
S/O Shri Kedar Nath,
Aged about: 45 years,
R/O: 18/474, Nai Basti,
Kishan Ganj, New Delhi.

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49. MRS. RANJNA ARORA
W/O Shri Naveen Arora,
Aged about: 34 Years,
R/O: HPT-34, Sarojini Nagar,
New Delhi.

50. MANOHAR LAL
S/O Shri Sant Ram,
Aged about: 41 years,
R/O: C-6/57, Yamuna Vihar,
New Delhi - 110053.

51. MAHESH KUMAR
S/O Shri Ram Chander,
Aged about: 36 years,
R/O: WP-45-6, Vazir Pur,
Village and P.O. Ashok Vihar,
Delhi - 110052.

52. O.P. RAI
S/O Shri Ram Avadh Rai,
Aged about: 38 years,
R/O: 151, Sari Nazar Ali,
Ghaziabad.

53. MRS. SWARANITA BOSS
W/O Shri S. Boss
Aged about: 29 years,
R/O: B-4/35-B, Phase II,
Ashok Vihar,
New Delhi.

54. MRS. ANITA BHATIA
W/O Shri Yogesh Bhatia,
Aged about: 30 years,

R/O: C-437, Vikas Puri,
New Delhi.

55. MRS. RAKESH SUKLA
W/O S.S. Sukla,

Aged about: 35 years,

R/O: Qr.No.451,
Sector 6,
R.K. Puram,
New Delhi.

56. H.C. KHURANA

S/O Shri J.C. Khurana,

Aged about: 38 years,

R/O: YP-10C, Pitam Pura,
New Delhi.

57. MRS. SUMAN BANSAL

W/O: Shri S.K. Bansal
aged about 30 years,

R/O: 149, Anand Puri,
Dev Nagar, New Delhi.

58. SMT. SHASHI PRABHA

W/O Shri Srikant,

Aged about: 40 years,

R/O: 135, RPS Sekh Sarai
Phase-I, New Delhi.

59. CHANDER PARKASH

W/O Shri Guman Ram,

Aged about: 37 years,

R/O: Qr.No.813,
Sector 6,
R.K. Puram,

✓ New Delhi. ✓

60. MRS. SHIMLA MALHOTRA
W/O Shri K.L. Malhotra,

Aged about: 38 years,
R/O: 5/71, Subhash Nagar,
New Delhi.

61. CHANDER DEV

S/O Shri Shish Ram,
Aged about: 37 years,
R/O: 118, Village: Vasant Nagar,
New Delhi.

62. MRS. SHEETAL KAUSHIKA
W/O Shri Ajay Kaushika

Aged about: 29 years,
R/O: R-156, Greater Kailash-
New Delhi.

63. MRS. ASHA SOOD

W/O A.K. Sood
Aged about: 42 years,
R/O: 230 C-8, Sector 8,
Rohini,
New Delhi.

64. ATISHEEL

S/O Shri B.S. Sharma,
Aged about: 37 years,
R/O: B-7, Balram Nagar,
Loni, Ghaziabad.

65. VED PARKASH KAUSHIK

S/O Shri S.R. Kaushik,
Aged about: 34 years,
R/O: Qr.No.922,
Sector 6, R.K. Puram,
New Delhi.

66. YADESHWAR
S/O Shri Deep Chand,
Aged about: 33 years,
R/O: 673-A, Nehru Kutia,
Malka Ganj,
New Delhi.

67. C. SHAHU
S/O Shri Joginder Shahu,
Aged about: 42 years,
R/O: Qr.No.412,
Sector 6,
R.K. Puram,
New Delhi.

68. CHANDER SINGH NEGI
S/O Shri Devi Singh,
Aged about: 48 years,
R/O: C-375 A, Gali-18,
Bhajanpur,
Delhi.

69. R.S. DAGAR
S/O Shri Jage Ram
Aged about: 40 years,
R/O: 5/282, Bharai Road,
Bahadur Garh.

70. NARINDER KUMAR
S/O Shri Laxmi Narain,
Aged about: 38 years,
R/O: CB-69A, D.D.A. Janta,
Rajouri Garden,
New Delhi.

71. SMT. SUSHILA RANGA
W/O Shri R.N. Ranga,
Aged about: 36 years,

R/O: WZ-799, Naraina,
New Delhi.

72. BHARAT BHUSAN

S/O Shri Anant Rai,
Aged about: 35 years,
R/O: 3594/262, Tri Nagar,
New Delhi.

73. MRS. MONIKA

W/O Shri S.P. Shorie,
Aged about: 33 years,
R/O: EPT-16, Sarojini Nagar,
New Delhi.

74. MRS. LEELA NEGI

W/O Shri D.B. Negi,
Aged about: 32 years,
R/O: Qr. No. 318,
Sector 6,
R.K. Puram,
New Delhi.

75. SARUP SINGH

S/O Shri Ram Singh,
Aged about: 42 years,
R/O: 4206, Sant Nagar,
New Delhi.

76. ASHOK KUMAR MADAN

S/O Shri D.C. Madan,
Aged about: 31 years,
R/O: 18/24/13, Old Gobind Nagar,
Delhi - 110051.

77. KISHORE VASHISHT
S/O Shri Sita Ram Vashisht
Aged about: 35 years,
R/O: G-52, Ashok Vihar,
New Delhi (PH-I).

78. RAJBIR SINGH
S/O Shri Lekh Ram,
Aged about: 38 years,
R/O: Village and P.O. Khurdli,
Sonepat,
Haryana.

79. BALBIR SINGHKUNDU
S/O Rattan Singh Kundu
Aged about: 41 years,
R/O: 9 Channa Mal Park,
New Delhi,

80. CHHOTTU RAM KAUSHIK
S/O Shri Lal Chand Kaushik
Aged about: 35 years,
R/O: Railway Colony,
Kishan Ganj, Delhi.

81. MOGESH BAJAJ
S/O Shri O.P. Bajaj,
Aged about: 34 years,
R/O: C-1/115-B, Lawrence Road,
New Delhi.

82. GAGAN BIHARI
S/O Shri Raghubir Dayal,
Aged about: 37 years,
R/O: 51, Shiv Mandir, Maujpur,
Gali No.5, Silampur, Delhi-110053.

83. MRS. RAMESH KATYAL
W/O Shri Loveleen Katyal,
Aged about: 37 years,
R/O: A-1/1, Satyawati Nagar,
Ashok Vihar,
New Delhi-110052.

84. S.N. DUTTA
S/O Shri K.L. Dutta,
Aged about: 37 years,
R/O: 1804, Wazir Singh Street,
Pahar Ganj,
New Delhi.

85. S.N. SHARMA
S/O Shri S.B. Sharma,
Aged about: 41 years,
R/O: S.G-736, Shankar Garden,
Bahadur Ganj.

ALL ARE EMPLOYED AS UPPER DIVISION CLERK
IN MAHANAGAR TELEPHONE NIGAM LIMITED: DELHI.

86. CHANDESHWAR MAHTO
S/O Shri Binda Mahto,
Aged about: 54 years,
R/O: A-354, Mandawali,
Fazalpur,
Delhi - 110092
AND EMPLOYED AS ~~ADMINISTRATIVE~~ OFFICER
IN MAHANAGAR TELEPHONE NIGAM LTD.
DELHI.

87. P.P. BANSAL
S/O Shri Gudial
Aged about: 55 years,
R/O: 17/213, Kali Bari Marg,
New Delhi.

AND EMPLOYED AS ADMINISTRATIVE OFFICER
IN MAHANAGAR TELEPHONE NIGAM LIMITED
NEW DELHI.

88. VED PARKASH
S/O Shri Sunder Lal
Aged about: 31 years,
R/O: 17/3734, Regar Pura,
New Delhi.

89. MRS. MAMTA CHAUHAN
W/O Shri G.S. Chauhan,
Aged about: Years,
R/O: Qr. No. 193,
Sector 6,
R.K. Puram,
New Delhi.

90. MRS. SUNITA CHADHA
W/O: Shri S.R. Chadha,
Aged about: 30 years,
R/O: B-39, Asha Park,
Jail Road, New Delhi.

91. MRS. KUSUM
W/O Shri G.S. Marwaha,
Aged about: 31 years,
R/O: B-F 6D, D.D.A. Munirka,
New Delhi.

92. MRS. KAMLESH KUMARI
W/O Shri Prem Nath Grover,
Aged about: 34 years,
R/O: ~~8/78~~ 8/78, Geeta Colony,
New Delhi.

93. VINOD SHARMA
S/O Shri Satpal Sharma,
Aged about: 36 years,
R/O: C-141, Subhash Nagar,
New Delhi.

94. MRS. GITA DHAIYA
W/O Shri V.S. Dhaiya,
Aged about: 30 years,
R/O: I-9, M.I.G. Naraina,
New Delhi.

95. MRS. MEENA SAREEN
W/O Shri Rahul Sareen,
Aged about: 33 years,
R/O: 822/F, D.D.A. Munirka,
New Delhi.

96. MRS. LAXMAN SINGH BHANDARI
W/O Shri Mal Singh,
Aged about: 30 years,
R/O: Qr. No. 961, Sector 6,
R.K. Puram, New Delhi.

97. OM PARKASH BASATTA
S/O Shri Ram Singh,
Aged about: 42 years,
R/O: C-35/5, Bhajan Pura,
New Delhi.

98. N.K. SACHDEVA
S/O Shri Ved Prakash
Sachdeva,
Aged about: 33 years,
R/O: Type-I, P&T Qr.
Behind Eastern Court,
New Delhi.

ALL ARE EMPLOYED AS
LOWER DIVISION CLERKS
IN THE MAHANAGAR TELEPHONE
NIGAM LIMITED.

99. SMT. SUDHA MATHUR
W/O Shri S.C.Mathur,
Aged about: 37 years,
R/O: Kalkaji D.D.A. Flats,
New Delhi.

100. SURESH KAUSHAL
S/O Shri Dalip Chand,
Aged about: 31 years,
R/O: 143/7, Railway Colony,
Minto Road,
New Delhi.

101. RISHI DEV
S/O Shri Shiv Parsad
Aged about: 36 years,
R/O: S-191, A School Block,
Shakerpur,
Delhi.

102. KM. SUMAN LATA
D/O Shri Deendayal Jain
Aged about: 31 years,
R/O: C-141, Gali-5,
Bhajanpura, Delhi.

103. SMT. SNEH GOPALAN
W/O Shri Gopalan,
Aged about: 31 years,
R/O: D.D.A. Flats,
Mayapuri, New Delhi.

104. SMT. NEELAM BAHL
W/O Shri Surinder Bahl,
Aged about: 32 years,
R/O: M-78, Uttam Nagar,
New Delhi.

105. VINOD SHANKER
S/O Shri Ram Sahai,
Aged about: 36 years,
R/O: 51-C/3, Jawala Nagar,
Halkara Kuan, SHD,
Delhi.

106. JAGDISH SINGH
S/O Shri Lakhi Ram
Aged about: 31 years,
R/O: Atul Grove Road,
Ch.No.17.1.19

107. BABU RAM
S/O Shri Hari Ram,
Aged about: 40 years,

R/O: Shop No.3, behind
Eastern Court,
New Delhi.

108. PARTAP SINGH
S/o Shri Bhagwan Singh,
Aged about: 38 years,
R/O: Village and P.O. Mandaura
District: Sonepat,
HARYANA.

109 RAJ SINGH
S/o Shri Banwari Lal
Aged about: 36 years,
R/O: Village and P.O. Daboda Kalan,
District: Rohtak.

110. ZILE SINGH
S/o Shri Mool Chand,
Aged about: 36 years,
Village and P.O. Rathdhana,
Sonepat.

111. RAM PARKASH
S/o Shri Nihal Chand,
Aged about: 37 Years,
R/O: 2/300, Aggarwal Colony,
Bahadur Garh.

... APPLICANTS

(by Advocate: Shri M.M. Sudan).

Versus

Union of India through

1. Secretary, Department of Telecommunication-cum-Director-General (Telecom), Sanchar Bhawan, New Delhi.
2. The Chief General Manager, Northern Telecom Region, Kidwai Bhawan, New Delhi.
3. The Chief General Manager, Mahanagar Telephone Nigam Limited, Khurshid Lal Bhawan, New Delhi

..... Respondents.

(By Advocate: Shri A.K. Sikri with Sri M.G. Goel).

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Heard both sides.

2. Applicants apprehend that in the event they opt for the impugned 9.9.92 Scheme (Annexure-A) those who are UDCs but with less than 16 years of service would be fitted in the pay scale of Rs.975-1660/-, which is less than the scale they are presently working viz. Rs.1200-2040, and even if they are given personal pay protection, the fact that they are adjusted in a lower pay scale would mean deminutiation in emoluments and status. They also apprehend that situations may arise when consequent to their acceptance of the 9.9.92 Scheme, their erstwhile juniors may draw more emoluments than them merely because such juniors having completed 16 years of service have been adjusted in the higher pay scale of Rs.1400-2300.

3. While anomalies of the kind mentioned above, cannot be ruled out, they by themselves may not warrant

quashing of the impugned 9.9.92 Scheme (Annexure-A) and its related circulars at Annexures B to E. Instead, it would be fit and proper for respondents to examine how best such anomalies could be removed, consistent with equity, justice and the provisions of Articles 14 and 16 of the Constitution. One suggestion which respondents' counsel Shri Sikri himself made during hearing was that the question of retaining the promotional posts for those who opted out of the Scheme could be examined by respondents. On the other hand applicants' counsel Shri Sudan invited our attention to Department of Post's Circular dated 8.2.96 containing instructions modifying the TBOP/BCR Scheme and stated that its contents provided a method for overcoming the anomalies in the implementation of the 9.9.92 Scheme.

4. On an earlier date one of respondents' counsel Shri V.K. Rao had invited our attention to the Hon'ble Supreme Court's order dated 25.3.96 in SLP No. CC 970/96 UOI & Ors. Vs. P.G.P. Ruckmani & Ors. (copy on record) and had urged that the aforesaid order directing maintenance of status quo changed the entire complexion of the case. Applicants' counsel Shri Sudan had sought time to studying the implication of that order and on 9.12.98 stated that the aforesaid SLP had no bearing on the present OA, although Shri V.K. Rao asserted to the contrary.

5. However, when the matter came up for hearing on 14.5.99, neither side referred to the aforesaid order of the Hon'ble Supreme Court dated 25.3.96.

6. Under the circumstances, in the event that the aforesaid order dated 25.3.96 of the Hon'ble Supreme Court in Rukmani's case (supra) for maintenance of the status quo is no longer operative and /or has no relevance to the present OA, ^{which should be confirmed by respondents} we dispose of this OA with a direction to respondents to examine the anomalies of the kind noticed in para 2 above, and find an appropriate solution to the same, in accordance with equity, justice and the provisions of Articles 14 and 16 of the Constitution, as expeditiously as possible and preferably within 6 months from the date of receipt of a copy of this order. Thereafter, if any amongst the applicants has a specific grievance, it will be open to him to agitate the same in accordance with law, if so advised.

7. The OA is disposed of in terms of para 6 above. No costs.

h/mun 20.5.99.

(T.N.BHAT)
MEMBER(J)

Adige
(S.R.ADIGE)
VICE CHAIRMAN(A).

/ug/