

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 1506 OF 1998
ALLAHABAD THIS THE 28TH DAY OF JANUARY, 2004

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A
HON'BLE MR. A. K. BHATNAGAR, MEMBER-J

1. Pratap Singh Chahar,
son of Sri B.S. Mukhiya,
now supervisor.
2. K.C. Sharma,
son of Pandit Chhabbi Ram Sharma.
3. Smt. S.J. Khullar,
wife of Sri V.K. Khullar.
4. V.N. Pandey,
son of Sri D.N. Pandey
Grade-1.
5. R.S. Sharma,
son of Sri Arjun Singh.
6. A.K. Rawat,
son of Sri Tulsi Ram Rawat.
7. R.N. Singh,
son of Late Sri Raj Pal Singh.
8. Yatendra Prakash,
son of Sri OM Prakash Bhandari.
9. V.K. Singh,
son of Sri R.S. Chaudhary.
10. S.K. Sharma
s/o Sri Labh Chandra
Telephone Operator,
C.O.D., Agra

.....Applicants

All the applicants are working in telephone department,
C.O.D., Agra.

(By Advocate Sri S.S. Chauhan, & Sri S.D. Tiwari)

Versus

1. Union of India,
through the Ministry of Defence,
Govt. Of India,
New Delhi.
2. Director General of Ordnance,
Services/Master General of Ordnance,
Branch, Army Head Quarter, DHQ,
New Delhi.
3. The Chief Record Officer,
Secunderabad.
4. The Commandant, Central Ordnance Depot,
Agra.

.....Respondents

(By Advocate Shri A. Mohikey)

ORDER

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A

By this O.A. filed under section 19 of Administrative Tribunals Act 1985, the applicants have prayed for direction to the respondents to provide equal pay as being provided to operators to the department of telecommunication and also promotion as applicable to them.

2. The facts of the case are that the applicants are working as telephone operators in the telephone exchange of Central Ordnance Depot Agra.
3. The grievance of the applicants is that disparity in the pay scales of the C.O.D. telephone operators vis-a-vis telephone operators of the telecommunication department.



Even after the implementation of the Fifth Pay Commission this dis-parity exists. Earlier to implementation of the Fifth Pay Commission and, the applicant has been agitating the matter right from 1994 onwards.

4. Sri S.D. Tiwari, learned counsel for the applicant submitted that the recruitment qualification, the nature of job, working conditions and the responsibility of the applicants is similar to those of the ^{In Department of the} Telecommunication and, therefore, there is no justification whatsoever that the applicants should be discriminated against. They are entitled for the same scale and the promotional avenues as applicable in case of the operators of the Telecommunication department.

5. The learned counsel for the applicant also submitted that it is unfortunate that ^{though} inspite of that, the case of the applicants was duly recommended at various levels, yet their grievances ^had not been redressed by the Government. They have not even been informed about the outcome of the various representations they filed before the respondents.

6. Shri A. Mohiley, counsel for the respondents on the other hand submitted that the applicants cannot agree that the service conditions, nature of duties and responsibilities and functions of the applicants are similar to their counterparts in the department of Telecommunication. Both are governed by different service conditions. Merely because academic qualification and physical requirement of both are ^{h and} similar or that they have been given similar designation, it cannot be said that they are performing similar duties, functions and responsibilities.

7. Inviting our attention to Annexure CA-6 the learned counsel for the respondents also submitted that the case of

applicants was forwarded on 01.05.1995 to O.S. (20) Army Headquarters for onward transmission to 5th Pay Commission Cell as would be evident from the letter of Directorate General of Ordnance Services, Army Headquarters dated 07.09.1995 addressed to the Officer-Incharge, A.O.C. Records Secunderabad.

8. The learned counsel for the respondents finally submitted that it is not known as to what decision was taken by the 5th Pay Commission in regard to the cases of the applicants. In para 15 of the CA it has been admitted by the respondents that a decision of the Army Headquarters on the subject matter is still awaited.

9. We have heard counsel for the parties, considered their submissions and perused records.

10. Admittedly the case of the applicants was duly recommended by the Corps of Ordnance at each level for parity in the pay scale. It has been admitted by the respondents in para 9 of the CA that the case of the applicants was forwarded to Army Headquarters O.S. (20) for onward transmission of 5th Pay Commission Cell in September 1995. Many reminders were sent to A.O.C. Records and Army Headquarters O.S. (20) to intimate present position of the case but nothing has been communicated to Central Ordnance Depot Agra till date where the applicants are working.

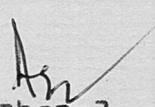
11. It is not disputed that the 5th Pay Commission has not given parity in pay scale to the Telephone Operators of Ministry of Defence and promotional avenues to applicants vis-a-vis their counter-parts in telephone department. However, from the CA it appears that even the respondent no.2 is ignorant about what transpired when the case of the applicant

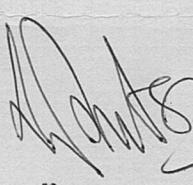
was referred to 5th Pay Commission. In our considered opinion, it is necessary for respondent no.2 to go in detail into the matter and inform the applicant's establishment as to what has been the decision in regard to the pay scale and promotional avenues of the applicants.

12. Keeping in view the above, we are of the view that the interest of justice shall better be served by allowing the applicants to file a fresh representation before respondent no.2 through proper channel who would decide the same by a reasoned and speaking order in consultation with the concerned ministries.

13. In the facts and circumstances the O.A. is finally disposed of with direction to the applicants to file their representation, if so advised, before respondents no.2 within a period of four weeks through proper channel and respondent no.2 shall decide the same by a reasoned and speaking order within a period of four months from the date of receipt of such representation alongwith the copy of this order.

14. There shall be no order as to costs.


Member-J


Member-A

/ Neelan/