

CENTRAL ADMINISTRATIVE TRI BUNAL
ALLAHABAD BENCH
ALLAHABAD

(14)

Original Application No. 1277 of 1994

Allahabad this the 14th day of February, 2002

Hon'ble Mr. Rafiquddin, Member (J)
Hon'ble Mr. C.S. Chadha, Member (A)

1. Gandhi Sharan, CSBO, Gd-I, Son of Late Shri Jawahar Lal, Resident of 61, 7, MTRC Lines, New Cantt., Allahabad.
2. J.K. Sharma, CSBO, Gd-I, Son of Late R.L. Sharma, Resident of 280 Manmohan Nagar, Kyedganj, Allahabad.
3. S.W. Hassan, CSBO Gd-I, Son of S.S. Hassan, Resident of 1961, Ranimandji, Allahabad.
4. Jagdish Prasad, CSBO Gd-I, Son of Puran Mal, Resident of T-3/2 Stagging Camp, New Cantt., Allahabad.
5. Birendra Prasad, CSBO, Gd-I, Son of Shri G.B. Ram Resident of 80E, Krishnanagar, Kyedganj, Allahabad.
6. K.K. Malviya, CSBO, Gd-I, Son of Shri R.K. Malviya.
7. R.R. Singh, CSBO, Gd-II, Son of Shri D.N. Singh, Resident of T-2/5, Stagging Camp, Allahabad.
8. Ram Bhawan, CSBO Gd-II, Son of Late Jhunna, Resident of Village Dhusha, Post Dhumanganj, District Allahabad.
9. Vinod Kumar, CSBO Gd-II, Son of Shri Puran Mal, Resident of T-3/2 Stagging Camp, New Cantt., Allahabad.
10. Uma Kant, CSBO Gd.-II, Son of Shri B.D. Pandey, Resident of 581/10, Triveni Vihar, New Cantt. Allahabad.
11. Mrs. Pratibha Singh, CSBO, Gd-II, Wife of Shri V.K. Singh, Resident of 201-C, Lookerganj, Allahabad.

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12. Mrs.Meera Tiwari, CSBO, Gd-II, Wife of Shri R.K. Tiwari, resident of 421 Colonelganj, Allahabad.
13. J.P. Pandey, CSBO, Gd-II, Son of Shri A.B.Pandey, Resident of 109, K/3B, Anant Nagar, Dhumanganj, Allahabad.
14. Mrs.Neena Agarwal, CSBO Gd.-II, Wife of Shri G.N. Agarwal, Resident of 190, Lookerganj, Allahabad.
15. Bhanu Pratap Singh, CSBO, Gd.II, Son of Shri P.N. Singh, Resident of 582/4, Triveni Vihar, New Cantt. Allahabad.

Applicants

By Advocate Shri V.K. Singh

Versus

1. Union of India through the Secretary to Govt. of India, Ministry of Defence, South Block, New Delhi.
2. Signal Officer-in-Chief, Signals Directorate Army Headquarters, New Delhi.
3. Officer-in-Charge, Signal Record, Jabalpur.
4. Station Commander, Station Headquarters, Allahabad Cantt.
5. Station Commandant, Station Headquarters, Varanasi.
6. Commanding Officer, 4, Infantry Division, Signal Regiment, C/o 56 A.P.O.
7. Controller General of Defence Accounts, West Block-V, R.K. Puram, New Delhi, through C.D.A. Central Command, Lucknow.

Respondents

By Advocate Shri D.K. Dwivedi

O_R_D_E_R (Oral)

By Hon'ble Mr.Rafiquddin, Member (J)

This O.A. has been filed by the applicants who are working as Civilian Switch Board Operators (for short C.S.B.O.) in the ~~xxx~~ Army Station Headquarters,

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Allahabad seeking direction to the respondents to grant them promotional benefits as has been given to the employees of Telecommunication department alongwith all other benefits after quashing the order dated 21.12.1993 (annexure A-1) to the O A .

2. The case of the applicant is that the nature of work and responsibilities of the applicants is technical and is identical in nature with the duties of Operator of Telephone department. The applicants are, therefore, seeking parity in the pay scale as available for the Telephone Operator in the Telecommunication department as per their communication no.27-4/87-TE II dated 18.03.1992. It is further stated that the promotion avenues are open to the Operator of the Telephone department after completion of 16 years of service, whereas the applicants are denied from this benefit of promotion. The respondents have, however, denied the claim of the applicants by the impugned order on the principle that due to financial constraints the applicants cannot be granted similar benefit.

3. We have heard Shri V.K. Singh----- counsel for the applicant and Shri D.K. Dwivedi counsel for the respondents, and perused the record.

4. We find from the perusal of the counter-affidavit filed on behalf of the respondents, that the respondents have admitted the fact that though the applicants have some similarity with the Operators


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Telecommunication
of the ~~Telephone~~ department, but they cannot be
equated on similar footings because department of
both the categories are different and, therefore,
the claim of the applicants cannot be acceded to. *the R*
Perusal of the impugned order indicates ~~that~~ that the
respondents have dealt with the case of the applicants
only in respect of their claim for time bound promotion
after 16 years of service which is available to their
counter parts in the Telecommunication department.
In the impugned order there is no indication whether
the claim of the applicant for parity ^{*in pay R*} with the case
of C.S.B.O. of Telecommunication department ^{*has*} have been
considered or not.

5. Considering the facts and circumstances
of the case, we find it appropriate to issue direction
to the respondents to re-consider the case of the
applicants afresh in respect of parity and promotion
with the C.S.B.O. of the Telecommunication department.

6. We accordingly dispose of the ~~Q.A.~~ with
the direction to competent authority to re-consider
the claim of the applicant afresh in the light of
observation made above and also in the light of
any instructions in the report of Fifth Pay Commission
in respect of C.S.B.O. This exercise will be carried
out within a period of six months from the date of
communication of this order. No cost.


Member (A)


Member (J)