

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 377 of 1995

Allahabad this the 19th day of March, 2002

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

Annamma Varghese, Wife of C.G. Varghese, Resident
of T-3A 2/1, Staging Camp, Allahabad.

Applicant

By Advocate Shri K.K. Mishra

VerSus

1. Union of India through Secretary, Ministry of
Defence, D.H.Q. New Delhi.
2. Director General of Signals, 4(C) General Staff
Branch, Army Headquarters, D.H.Q., New Delhi.
3. Officer-in-Charge, Signal Records, Jabalpur.
4. Administrative Commandant, Station Headquarters,
Allahabad.
5. Controller of Defence Accounts, Karyappa Road,
Lucknow.

Respondents

By Advocate Shri D.K. Dwivedi

O R D E R (Oral)

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

The applicant has filed this O.A. seeking
direction to the respondents to refix her salary in
the pay scale of Rs. 260-480/- with effect from the
date of her appointment i.e. from 11.07.84 and also
to give her arrears of difference of salary which she

was receiving, and also to grant her consequential benefits.

2. Admittedly the applicant was appointed as Civilian Switch Board Operator Grade II on 11.7.84 in the pay scale of Rs.260-400. It appears that prior to 25.10.1977 the Telephone Operators/Switch Board Operators had only one grade. The pay scales were revised with effect from 1.1.1973 and different grades (Grade II, Grade I and Tele/SB Supervisor) for the Telephone Operators/Switch Board Operators were created vide Government of India, Ministry of Defence letter dated 4.4.1977, as amended vide order dated 14.4.1977. The higher grades came into effect from 25.10.1977 and Civilian Switch Board Operators who were in the scale of Rs.110-140/- were allowed the higher pay scale of Rs.260-480/- with effect from 1.1.1973. It appears that Govt. of India, Ministry of Defence vide O.M. dated 22.8.72 granted the pay scale of Rs.260-400/- to the Civilian Switch Board Operators (for short C.S.B.O.) who were appointed after 1.1.1973. Since this scale was not granted to some of the similarly situated persons, the O.A.No.1074/89 was filed before the Tribunal which was allowed vide order dated 19.11.1992 (annexure^A-1). The respondents were directed to re-fix the pay of the applicant in the pay scale of Rs.260-400/- w.e.f. the date of their appointment and to pay them arrears etc with other consequential benefits. In the present O.A. the grievance of the applicant is that she being similarly situated employee is also entitled for the same benefit but the same has been denied by the respondents, hence the present O.A.

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3. We have considered the arguments of learned counsel for the applicant and also gone through the record.


4. Learned counsel for the applicant has brought to our notice the order dated 27.04.2000 passed by the Hon'ble Apex Court in Civil Appeal No.11736 of 1996, which also relates to the similarly situated persons i.e. Civilian Switch Board Operators employed in the Defence Telephone Exchange. The relevant part of the order is as under;

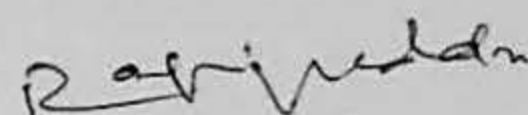
"At the time when the matter was taken up for hearing, learned Additional Solicitor General appearing for the respondents filed a copy of the letter dated 25th April, 2000 sent by the Legal Cell, Headquarters Delhi informing that the orders and judgments given by the Central Administrative Tribunal, Jodhpur and Central Administrative Tribunal, Allahabad have been implemented by the respondents and on the basis of the said letter stated that the matter being identical, same relief be accorded to the appellants. In view of the aforesaid statement the appeal is allowed. The order and judgment under appeal is set aside. There shall be no order as to costs. The appellants are entitled to all consequential benefits, which they may be entitled under law."

5. We find from the perusal of the counter-affidavit filed by the respondents that the respondents had not denied the fact that the applicant is also a Civilian Switch Board Operator employed in Defence Telephone Exchange having been appointed on 11.07.84. Therefore, the applicant being similarly situated

person is also entitled to the benefit flowing from the orders passed by this Tribunal as well as by the Hon'ble Apex Court, referred to above.

6. We accordingly allow this O.A. and direct the respondents to grant the scale of Rs.260-480/- from the date of applicant's joining the post with consequential benefits. No order as to costs.


Member (A)


Member (J)

|M.M.|