

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 31st day of July, 2003.

Original Application No. 1099 of 2002.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman.

Hon'ble Mr. D.R. Tiwari, Member- A.

1. Mahavir Prasad Dubey a/a 57 years
S/o Late Sri Har Prasad Dubey. Working as
C.S.B.O in the Army Telephone Exchange,
Jhansi Cantt, Jhansi.
2. Narendra Kumar a/a 55 years S/o Late Sri Harbans Lal
At present working as C.S.B.O in the Army Telephone
Exchange, Jhansi Cantt, Jhansi.
3. Mrs. M.K. Yadav a/a 54 years W/o Late O.P. Yadav.
Working as CSBO in the Army Telephone Exchange,
Jhansi Cantt, Jhansi.
4. Mrs. Vijai Chadha a/a 53 years, w/o Sri V.K. Chadha
At present working as CSBO in the Army Telephone
Exchange, Jhansi Cantt, Jhansi.

.....Applicants

Counsel for the applicants :- Sri M.P Gupta
Sri S.K. Mishra

V E R S U S

1. The Union of India through the Secretary,
M/o Defence, Govt. of India, New Delhi.

2. Administrative Commandant, Station Headquarter,
Jhansi Cantt, Jhansi.

.....Respondents

Counsel for the respondents :- Sri D.S. Shukla

O R D E R (oral)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this O.A filed under section 19 of the
Administrative Tribunals Act, 1985, the applicants have
prayed for a direction to the respondents to place them



in pay scale of Rs. 5500-9000 with effect from the date Smt. Madhu Chadha, junior to them, was granted the aforesaid grade in pursuance of the judgment of Hon'ble Supreme Court and the judgments of other Benches of this Tribunal.

2. The facts of the case are that applicants are serving as Civil Switch Board Operators (CSBOS) in Army Telephone Exchange, Jhansi. Their claim is that the Telephone Operators in the department of Post and Telegraph were placed in the grade of Rs. 5500-9000 whereas Telephone Operators working in Army Telephone Exchange under the Ministry of Defence, have been placed in the grade of Rs. 5000-8000. The Telephone Operators serving in Post and Telegraph Department have been granted pay scale of Rs. 5500-9000 w.e.f 01.01.1996. Thus the applicants are also claiming the same pay scale on basis of the principle of equal pay for equal work. It is submitted that the duties and responsibility and nature of work are all similar and the applicants are being illegally discriminated.

3. Resisting the claim of the applicants counter reply has been filed stating that the C.S.B.Os serving in Defence department have different service conditions and set-up and the process of recruitment is also separate and thus they are not entitled for the relief. It is further submitted that the Telecommunication department now converted in to ~~the~~ corporation having their own financial resources and they can offer better pay to their employees. The Defence department cannot be compelled to pay the same scale to CSBOS serving in D/o Defence.

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

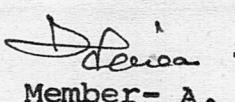
5. However, this controversy has already been settled by the Division Bench of this Tribunal ^{or} Chandigarh Bench on

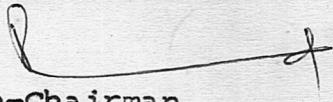
13.09.2002 passed in O.A No. 450/HR/2002. The operative part of the order reads as under :-

"In view of the above, we come to the conclusion that the CSBOs who were placed in the pay scale of Rs. 260-480 prior to 01.01.1986 have to be given the benefit of 3 revised scales mentioned in the above paragraph w.e.f 01.01.1996 and this equation cannot be disturbed. The O.A, therefore, succeeds. The respondents are directed to grant not only the applicants in this case but all similarly situated persons this revised scales given to Telephone Operators in the Telecom Department w.e.f 01.01.96 with all consequential benefits of pay fixation etc. The execution of this order shall be carried out within a period of 6 months from the date, certified copy of this order is given to the respondents. No order as to costs."

6. As the controversy has already been decided, we are in respectful agreement ^{with} the view taken by the Division Bench of this Tribunal ^{of} Chandigarh Bench, this O.A is also decided on same terms and conditions as provided in the order mentioned above.

7. There will be no order as to costs.


Member-A.


Vice-Chairman.

/Anand/