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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No. 368 of 2007

Cuttack, this the 10th day of March, 2011


Prasanta Kumar Dash Applicant


-v-

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not? X
2. Whether it be circulated to Principal Bench, Central Administrative Tribunal or not? X


(A.K. PATNAIK)
Member(Judl)


(C. R. MOHAPATRA)
Member (Admn.)

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CORAM:

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)

A N D

THE HON'BLE MR.A.K.PATNAIK, MEMBER (J)

Prasanta Kumar Dash, aged about 44 years, son of Sri Indramani Dash, at present working as Senior Accounts Officer in the office of the Controller of Communication Accounts, Department of Telecommunications, Orissa Circle, 4th Floor, PMG Building, Bhubaneswar-751 001.

.....Applicant

By legal practitioner : M/s.S.Mohanty, S.K.Das, Counsel

-Versus-

1. Union of India represented by the Secretary, Department of Telecommunication, Sanchar Bhawan, New Delhi-110 001.
2. Chief General Manager, Telecommunication, Orissa Circle, Bharat Sanchar Nigam Ltd., Bhubaneswar-751 001.
3. The Controller of Communication Accounts, Orissa Circle, PMG Building, Bhubaneswar-751 001 (Proforma respondent).

....Respondents

By legal practitioner: Mr.S.B.Jena,ASC

ORDER

MR. C.R.MOHAPATRA, MEMBER (ADMN.):

The grievance of the applicant relates to payment of IDA pattern scale of pay during the period he was continuing under deemed deputation in the BSNL i.e. from 01-10-2000 to 20—08-2004 and ex-gratia/bonus for the years 2003-2004 and 2004-05, proportionately, as has been given to the employees of the BSNL. In support of his prayer he relied on an earlier decision of this Tribunal dated 22nd November, 2007 in OA No. 685 of 2005 (Pradipta Kumar Mohanty v Union of India and others) which has subsequently been confirmed by the Hon'ble High

Court of Orissa in order dated 06-01-2010 in a Writ Petition (C)
No.10714 of 2008 preferred by the BSNL.

2. Respondents opposed the stand of the Applicant on the ground of maintainability of this OA due to limitation as also by stating that as per the instruction of the BSNL, the Applicant having not been absorbed in the BSNL is not entitled to the relief claimed in this OA.

3. Heard Learned Counsel for both sides and perused the materials placed on record. We find no substantial reason to hold that this OA suffers from maintainability and limitation and therefore, liable to be dismissed. Because as per the recent notification made by Government, BSNL is amenable to the jurisdiction of this Tribunal and in so far as limitation is concerned, since payment of wages is a continuing cause of action, limitation is not applicable as has been held by the Hon'ble Apex Court in very many cases.

4. As regards extension of the benefit of IDA scale of pay to the employees continuing in BSNL under deemed deputation, there is no need to go deep into the matter in view of the decision of this Tribunal in the case of Pradipta Kumar Mohanty (supra) cited by Learned Counsel for the Applicant which has not been controverted by the Respondents' Counsel in course of hearing. For the reasons discussed above, we hold that the applicant is entitled to the IDA scale during the period he was under deemed deputation to the BSNL (01-10-2000 to 20-08-2004) and ex gratia/bonus for the years 2003-2004 and 2004-2005 proportionately

as has been given to the employees of the BSNL. Accordingly, Respondents are hereby directed to make the due drawn statement and pay the applicant the differential amount within a period of 120 days from the date of receipt of copy of this order.

5. In the result, this OA stands allowed to the extent stated above. There shall be no order as to costs.


(A.K.PATNAIK)
MEMBER(JUDL.)


(C.R.MOHPATRA)
MEMBER(ADMN.)