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CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR.

Date of Order :10.04.2001

ORIGINAL APPLICATION NO. 381/1997.

Mool Singh Rathore S/o Shri Ugam Singh, aged about 50 years, resident of village and post Sewa, Tehsil Didwana, District Nagour, Ex-serviceman at present working as telephone Operator in the Telecom Department at E-40-B Jodhpur.

... APPLICANT..

VERSUS

1. Union of India through the Secretary ( P&A ), govt. of India, Ministry of Personnel, P.C and Pensions ( Department of Personnel and Training ), New Delhi.
2. The Chief General Manager, Telecom Department, Jodhpur.
3. The Telephone Divisional Manager, Jodhpur.
4. The Senior Accounts Officer, (A&B), Jaipur.

... RESPONDENTS..

Mr. P. R. Singh, counsel for the applicant.

Mr. K. S. Nahar, counsel for the respondents nos. 1 & 2.

None is present for respondents no. 3 & 4.

CORAM

Hon'ble Mr. A. K. Misra, Judicial Member.

Hon'ble Mr. Gopal Singh, Administrative Member.

ORDER

( per Hon'ble Mr. Gopal Singh )

In this application under Section 19 of the Administrative Tribunals Act, 1985, applicant Mool Singh Rathore has prayed for quashing the impugned order dated 14.02.1995 ( Annexure A-1 ) and for a further direction to the respondents to grant the benefit of fixation of pay of the applicant, in accordance with the existing rules on the subject and allow arrears of pay and allowances from the date of his appointment as such, alongwith, interest

*Gopal Singh*

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at the rate of 24% per annum.

2. The applicant's case is that he was enrolled in Indian Army in Signals Unit as Signal Man on 26.07.1966 and on completion of 15 years of active service, he was kept on reserved list for 2 years. The applicant was re-employed in the Telecom Department on the post of Telephone Operator, pay scale of Rs. 260-400. It is the contention of the applicant that his pay on the post of Telephone Operator should have been fixed by allowing him the benefit of the service rendered with the Indian Army, for the purpose of increment in the pay scale of Rs. 260-400, meaning thereby that his pay should have been fixed by grant of increments equal to the number of completed years of service with the Indian Army.



3. In the counter, the respondents have denied the application. It has been pointed out by them that the applicant was in the pay scale of Rs. 205-265, in the Indian Army and he was re-employed on the post of Telephone Operator, which carries the higher pay scale of Rs. 260-400. In terms of rules on the subject, he was not entitled to count Army service for the benefit of increment on his re-employment. It has therefore, been averred by the respondents that the application is devoid of any merit and deserves to be dismissed.

4. We have heard the learned counsel for the parties and perused the records of the case carefully.

5. The question of fixation of pay of Ex-serviceman on re-employment on a civil post came up earlier before

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us in O.A. No. 36/2000, Sh. Shyam Lal Saran Vs. U.O.I & Ors, decided on 31.01.2001. In our order dated 31.01.2001, it was held that the case of pay fixation of the applicant therein, was to be in accordance with O.M. dated 25.11.1958 and 14.03.1968. The applicant therein had joined the army on 17.10.1961 and he was re-employed on the post of Telephone Operator in P&T Department on 19.04.1971. In our opinion, the case in hand is squarely covered by our order dated 31.01.2001 passed in O.A. No. 36/2000. Accordingly, for detailed reasons recorded in our order dated 31.01.2001, passed in O.A. No. 36/2000, we pass the order as under :-

"The O.A. is allowed and the impugned order dated 14.02.1995 ( Annexure A-1 ) is quashed and set aside. The respondents are directed to fix the pay of the applicant in accordance with O.M. dated 25.11.1958 and 14.03.1968 by grant of advance increments equal to the number of completed years of service with the Indian Army, within a period of 3 months from the date of receipt of a copy of this order, No costs " .



*Gopal Singh*  
( GOPAL SINGH )  
Admn. Member

*A. K. Misra*  
( A. K. MISRA )  
Judl. Member

Part II and III destroyed  
in my presence on 28-3-22  
under the supervision of  
section officer [signature] as per  
order dated 19/2/22

[Signature]  
Section Officer (Record)

Recd copy  
17/4/22

Copy of order dt 10/4/2021 sent to  
the applicant vide No \_\_\_\_\_ dt \_\_\_\_\_

Recd Copy  
Jain  
19/4/2021