

**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

Original Application No. 80/2008

Date of order: 26th September 2008

**HON'BLE MR. K.V. SACHIDANANDAN, VICE CHAIRMAN.
HON'BLE MR. TARSEM LAL, ADMINISTRATIVE MEMBER.**

1. Rajendra Gehlot s/o Shri Dashrath Gehlot, aged about 39 years, R/o Near Sati Mata Mandir, Gaurav House, Air Force Road, Jodhpur, official address - Telephone Operator, Air Force Station, Jodhpur.
2. Mangi Lal Rajpurohit s/o Late Shri Pabu Dan, aged 54 years, r/o Station Road Luni Junction, Jodhpur.

All working as Telephone Operator, Telephone Exchange, Air Force, Jodhpur.

...Applicants.

Mr. Kamal Dave, counsel for applicants.

VERSUS



1. The Union of India, through the Secretary, Ministry of Defence, Sena Bhawan, Government of India, New Delhi.
2. The Air Officer Incharge (Administration), Air Headquarter Vayu Bhawan, Subreto Park, New Delhi.
3. The Joint Director, Personnel, Civilian Air Headquarter Vayu Bhawan, Subreto Park, New Delhi.
4. Air Officer Commanding in Chief (AOC in C) H.Q. South Western Air Command, Sector 9 Gandhinagar Gujrat.
5. Air Officer Commanding, Air Force Station, Jodhpur.

...Respondents.

Mr. Kuldeep Mathur, counsel for respondents.

**ORDER
PER MR. TARSEM LAL, ADMINISTRATIVE MEMBER**

The applicants Rajendra Gehlot and Mangi Lal Rajpurohit have filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985 and have prayed for the following reliefs:

"8.1. That record may be summoned and by quashing the impugned order dated 12.10.2007 the respondents may

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kindly be directed to allow the pay structure as made applicable vide order dated 27.02.2004 from the date the same is made applicable for the Telephone Operators/CSBO's of the army Wing of the Ministry of Defence. The applicants may be declared entitle for the same set of pay scale i.e. 260-480/- (revised 975-1660 and further to 3200/3900) for Gr. II and further 5000-8000 for Gr. I and Rs. 5500-9000/- for Telephone/Switch Board Supervisors.

8.2 That the applicants be declared entitle for benefits in respect of the raised pay scale equivalent to other counterparts as per order dated 27th February, 2004.

8.3 Any other appropriate order or direction, which may be considered just and proper in the light of above, may kindly be issued in favour of the applicant.

8.4 Costs of the application may kindly be awarded in favour of the applicant."

2. The brief facts of the O.A. are that both the applicants are working under the Ministry of Defence in Air Force as Telephone Operators. The pay scale and the governing rules for Switch Board Operators in Army and of the applicants are the same.

Some of the employees applied for judicial scrutiny with regard to similarity of pay scale vis-a-vis Telephone Operators of DOT. The Ministry of Defence, in view of the judgments of the Central Administrative Tribunals and of the Hon'ble Supreme Court allowed pay structure of Telephone Department. Likewise, Telephone Operators of Navy were also allowed vide order dated 02.12.2005 in implementation of judgment of Hon'ble Central Administrative Tribunal Tribunal, Calcutta Bench (Annex. A/3 and A/4).

3. When the case came up for hearing, learned counsel for the respondents pleaded that a similar controversy has already been decided by the Central Administrative Tribunal, Calcutta Bench in Original Application No. 871/2006 (Mrinal Kanti Sarkar vs. Union of India & Ors.) vide order dated 06.03.2008. The

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relevant paras 10 and 11 of the said order is reproduced as follows:

"10. Thus, it will appear that the respondents have granted the benefit to all CSBO's working in Medical Deptt. of Army of the higher pay scale from the date of their entitlement notionally and actually from 1.1.96. One time bound promotion scheme in lieu of ACP scheme has also been implemented. Therefore, the applicant herein who is also working in the Medical Unit of Army cannot be treated differently and should be granted similar benefit.

11. In view of the above, we allow this OA and direct the respondents to grant identical benefit of higher pay scale of Rs. 260-180/- to the applicant from the date of his entitlement but actual payment will be made from 1.1.96. If he is entitled to one time bound promotion as aforesaid, the same may also be granted to him from the date of his entitlement. This order be implemented within three months from the date of communication of this order. No costs."

4. In view of the above decision of the Calcutta Bench in Original Application No. 871/2006 (Mrinal Kanti Sarkar vs. Union of India & Ors.), the respondent-department are directed to grant the similar benefit of higher pay scale to the applicants as has been directed in the said O.A. vide order dated 06.03.2008, within a period of three months from the date of receipt of a copy of this order.

5. Accordingly, the Original Application is allowed with no order as to costs.


Tarsem Lal
(Tarsem Lal)
Administrative Member


(K.V. Sachidanandan)
Vice Chairman (J)

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Part II and III destroyed
in my presence on 15/1/2014
under the supervision of
section officer () as per
order dated 19/8/2014

Section officer (Record)

p/copy
Rajesh
27/1/2014

Rajesh
Ver
3/2014