

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

ORIGINAL APPLICATION NO. 01/2009

Date of order: 14.09.2011

CORAM:

**HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE MR. SUDHIR KUMAR, ADMINISTRATIVE MEMBER**

Chirangi Lal Siroiwal S/o Late Shri Gharsi Ram Ji, aged about 70 years, r/o Village- chhapra Salimpur, P.O. - Sarai- Bahadur Nagar, District - Mahendragarh(Haryana), retired on Superannuation on 31.01.1997 from the post of Sr. Section Supervisor (General) G. M.T.D, Bagar erstwhile T.D.M. Nagaur.

...Applicant.

Mr. J.K. Mishra, counsel for applicant.

VERSUS

1. The Union of India, through the Secretary to Government of India, Ministry of Communication, Department of Telecomm, Sanchar Bhawan, New Delhi.
2. The Chief General Manager, Telecom, Rajasthan, Circle, Jaipur(Raj).
3. The General Manager, Telecomm. District, Nagaur(Raj.)
4. Divisional Engineer (Admn.) O/o General Manager Telecom District Nagaur (Raj.)
5. The Assistant General Manager(Admn.)O/o the P.G.M.T.D., Jaipur(Raj.)

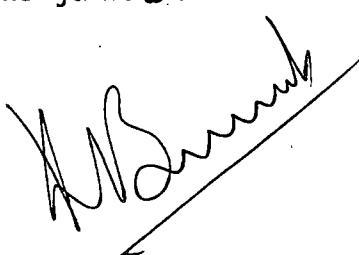
... Respondents.

Mr. M. Godara proxy for
Mr. Vinit Mathur, counsel for respondents. No.1
None for respondent No.2 to 5.

ORDER (Oral)

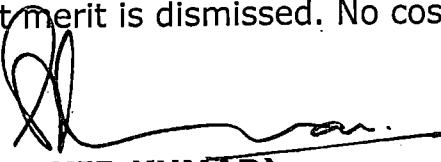
(Per Hon'ble Dr. K.B. Suresh, Judicial Member)

Heard. The applicant claims parity with his juniors, who had been granted benefit of Ann.A-1 following the dismissal of the Writ Petition filed by the B.S.N.L in the Jaipur Bench of the Rajasthan High Court. The applicant had admitted as retired on 31.01.1997. He would say that his right to be considered for parity with his juniors arose in the



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year 1999. It is crystal clear that ~~by~~ an order ^{was} issued by the High Court ~~to~~ of Rajasthan, which inter-alia dismissed a Writ Petition filed by the B.S.N.L. which was in challenging the order in OA.64/2000 of Jaipur Bench of the Central Administrative Tribunal. He would say on the basis of Ann.A/8 a similar treatment is to be given to him as well, which apparently was given to others by orders of Central Administrative Tribunal and which was challenged by the B.S.N.L. in the Hon'ble High Court and on dismissal of the said Writ Petition, seems to have passed Ann. A/1 dated 7.7.2006. B.S.N.L. is not a party in this proceeding nor DOT was concerned party. The mere fact that a judicial clarification has not come in consonance of notification of his junior at that time, and benefit had been given to others, will not be extended to him for the two reasons. (i). There cannot be any determination at this stage of parity or equitable status with those who are not before the Tribunal. (ii) Even if parity could be adjudged, by sit back rules of grant of benefit after a decade, if at all he had any right, it had become unavailable to him. A fence sitter cannot have the benefit of equal treatment as there is no equality between him and other who were in service when B.S.N.L. had its general OA is without merit is dismissed. No costs.


(SUDHIR KUMAR)
ADMINISTRATIVE MEMBER


(DR. K.B. SURESH)
JUDICIAL MEMBER

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