

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A No.569/2004 & 795/2004

Wednesday the 11<sup>th</sup> October 2006

CORAM:

HON'BLE SMT SATHI NAIR, VICE CHAIRMAN  
HON'BLE MR.K.B.S.RAJAN, JUDICIAL MEMBER

- 1 N.A.Mathews, S/o late Anthappan, Telephone Operator Gr.II  
INS Agrani, Red Fields, Coimbatore-18, R/o 7E Sigma to  
House, 5<sup>th</sup> street, Meena Estate, Goowri Palayam P.O, Coimbatore.
- 2 K.A.V Jalandhar, S/o late K.L.Pathi, Telephone Operator Gr.II  
INS Agrani, Red Fields, Coimbatore, R/o House No.39,  
Thendral Nagar, Veerakeralam P.O, Coimbatore.
- 3 S.Murugan, S/o late Sundaram, Telephone Operator Gr.II,  
INS Agrani, Red Fields, Coimbatore, R/o MIG B-1, Brindavan  
Nagar, TNHB, Chitra, Civil Aerodrome PO, Coimbatore.
- 4 Nandini Thilakan, W/o P.L.Thilakan, Telephone Supervisor,  
Naval Telephone Exchange, Naval Base, Kochi, R/o Palakkathu  
House, Irumpanam P.O, Thripunithura.
- 5 N.Ramachandran, S/o late N.Neelakantan, Telephone Operator Gr.I  
Naval Telephone Exchange, Naval Base, Kochi, R/o Harisree Vihar  
Memana, Ochira P.O, Kollam District.
- 6 P.Sadanandan, S/o late P.K.Peethambaran Telephone Operator Gr.I,  
Naval Telephone Exchange, Naval Base, Kochi, R/o Sree Murugan  
Kripa, Tripunithura P.O.
- 7 Mary Thomas, W/o M.J.Thomas, Telephone Operator Gr.I,  
Naval Telephone Exchange, Naval Base, Kochi, R/o Mundolickal  
House No.34/1373, Mother Theresa Road, Edappally, Kochi.

8. M.K. Droupathy, w/o. O.R. Muraleedharan, aged 52 years, Telephone Operator, Grade I, Naval Telephone Exchange, Naval Base, Kochi-4, residing at Manammel House, Kadavanthra, Kochi-20.
9. G. Muraleedharan, s/o. Late P.S. Gopalan, 55 years, Telephone Operator, Grade I, Naval Telephone Exchange, Naval Base, Kochi-4, residing at Type III, C-5, Dowsan Vihar, Thykkoodam.
10. P. Araavindakshan, s/o. M.N.B. Pillai, 56 years, Telephone Operator, Grade I, Naval Telephone Exchange, Naval Base, Kochi-4, residing At Sanathana Vihar, Arman Kovial Road, North Paravoor.
11. V. Ravindran, s/o. Raghavan (Rtd. HC), 54 years, Telephone Operator, Grade I, Naval Telephone Exchange, Naval Base, Kochi-4 residing at Type II, B-5, Dawsana Vihar, Thykkoodam, Vyttila.
12. P.K. Muraleedharan, s/o. Late P.K. Krishnan, 54 years, Telephone Operator, Grade I, Naval Telephone Exchange, Naval Base, Kochi-4 Residing at Plasseril House, Edavanakadu P.O., Ernakulam.
13. S. Raveendranathan Nair, s/o. Late R. Chellappan Nair, 59 years, Telephone Operator, Grade I, Naval Telephone Exchange, Naval Base, Kochi-4, residing at Mathurathil House, (CHELPARK), Karumalloor P.O., Pin - 683 511.
14. K.K. Girija, D/o. K.K. Govindana, 48 years, Telephone Operator, Grade I, Naval Telephone Exchange, Naval Base, Kochi-4, Residing at "Karthika", C.P. Road, Kadavanthra.
15. K.N. Chandran, s/o. late K. Narayanan, 56 years, Telephone Operator, Grade I, Naval Telephone Exchange, Naval Base, Kochi-4, Residing at Kinattumkarayil House, Parambithara Road, Kochi-36.
16. Alias Varghese, s/o. Late T.V. Varghese, 42 years, Telephone Operator, Grade I, Naval Telephone Exchange, Naval Base, Kochi-4, residing at Thekkethottiyil House, Kolencherry P.O., Ernakulam District.
17. P. Rajan, s/o. N. Vidhyadharan, 58 years, Telephone Operator, Gr. II, Naval Telephone Exchange, Naval Base, Kochi-4, residing at "Deepthi" (Vilayil Veedu), Thazhuthala, Kottiyam P.O., Kollam.

18. Mrs. PCK Mathews, w/o. George Mathews, 58 years, a Telephone Operator, Gr. II, Naval Telephone Exchange, Naval Base, Kochi-4.
19. V.P. Ramachandra Panicker, s/o. V.K. Padmanabha Kurup, 56 years, Telephone Operator, Gr. II, Naval Telephone Exchange, Naval Base, Kochi-4, residing at Vettupuzha House, Peechanickad, Angamaly.
20. V.J. Nirmala, w/o. K.V. Thomas, 45 years, Telephone Operator, Grade II, Naval Telephone Exchange, Naval Base, Kochi-4, residing At Kaithanana House, Mulavukadu P.O., Bolgatty.
21. G. Vasudevan Pillai, s/o. G. Gopala Pillai, 58 years, Telephone Operator, Gr. II, a Naval Telephone Exchange, Naval Base, Kochi-4, residing at Rajesh Bhavan, Kadannoor, Chadayamangalam P.O., Kollam - 691534.
22. M.K. Venugopalan, s/o. Late Krishna Panicker, 59 years, Telephone Operator, Gr. II, Naval Telephone Exchange, Naval Base, Kochi-4, residing at Raj Bhavan, Muhamma P.O., Alappuzha.
23. S.D. Dharmaja, w/o. Ajaya Ghosh, 41 years, Telephone Operator, Gr. II, Naval Telephone Exchange, Naval Base, Kochi-4, residing At "Krishnavam", Edakochi.
24. T.K. Babu, s/o. T. Kochayyan, 41 years, Telephone Operator, Gr. II, Naval Telephone Exchange, Naval Base, Kochi-4, residing at Thekkokarayil, Arakkunnam P.O., Ernakulam District.
25. T.K. Raghavan, s/o. late T.K.K. Nambiar, 55 years, Telephone Operator, Gr. II, Naval Telephone Exchange, Naval Base, Kochi-4, residing at Ambadi, Valayam, Badagera.
26. P.T. Alice Mathew, w/o. Mahtew, 45 years, Telephone Operator, Gr. II, Naval Telephone Exchange, Naval Base, Kochi-4, residing At Poovan House, Muvattupuzha.
27. Agitha Arunkumar, w/o. Arunkumar T, 37 years, Telephone Operator Gr. Iia, Naval Telephone Exchange, Naval Base, Kochi-4, residing At P/2/F. DAD Residential Complex, Chirackal Road, Palluruthy.

28. Mary Thomas, w/o. M.K. Thomas, 46 years, Telephone Operator Gr. II, Naval Telephone Exchange, Naval Base, Kochi-4, Residing at Madavana House, St. Johnes Nagar, Konthuruthy.
29. Eliamma James, w/o. K.P. James, 44 years, Telephone Operator, Gr. II, a Naval Telephone Exchange, Naval Base, Kochi-4, Residing at Kunnalakkattu House, Kadavanthra P.O., Kochi-20.
30. K. Valsala, a w/o. i.P. Raju, 43 years, Telephone Operator, Gr. II, Naval Telephone Exchange, Naval Base, Kochi-4, residing at "Karthika", Cheruthodath Parambu, Kadavanthra.
31. Usha Mathews, w/o. E.V. Mathewkutty, 46 years, Telephone Operator, Gr. II, a Naval Telephone Exchange, Naval Base, Kochi-4, residing at Achutha Menon Enclave, Thoppumpady P.O., Kochi-05.
32. Annie Joy, w/o. K.T. Joy, 43 years, Telephone Operator, Gr. II, Naval Telephone Exchange, Naval Base, Kochi-4, residing at Kaoluthal House, St. Sebastian Church Road, Kadavanthra P.O., Kochi-20.
33. B.K. Shobhana, w/o. K.K. Sasidharan, 44 years, Telephone Operator, Gr. II, Naval a Telephone Exchange, Naval Base, Kochi-4, residing at Bhagavathy Parambil, Chirakkalam, Varapuzha.
34. Shiney Shaju, w/o. Shaju M.N., 37 years, Telephone Operator, Gr. II, Naval a Telephone Exchange, Naval Base, Kochi-4, Residing at Type II BH-1a, Dawson Vihar, Thykoodam, Vyttila, Kochi-19.
35. Heera Begum, w/o. Sijo Joseph, 38 years, Telephone Operator, Grade II, Naval Telephone Exchange, Naval Base, Kochi-4, residing at C.C. T 1/276, South Thamaraparambu, Fort Kochi-1.
36. M.G. Mercy, w/o. WDI Samuel, 53 years, Telephone Operator, Grade I, Naval Telephone Exchange, Naval Base, Kochi-4, residing at 10/912-B, S.S. Krishnan Road, Fort Kochi Veli.

Applicants

By Advocate Mr. V.V. Nandagopal Nambiar

Attorneys

Vs.

- 1 Union of India represented by the Secretary,  
Ministry of Defence, Central Secretariat, New Delhi.
- 2 The Chief of Naval Staff, Naval Headquarters, New Delhi.
- 3 The Flag Officer, Commanding in Chief,  
Southern Naval Command, Naval Base, Cochin.

Respondents.

(By Mr.TPM Ibrahim Khan, SCGSC)

O.A.No.795/2004

- 1 G.Vasudevan Pillai, S/o late Gopala Pillai, Telephone Supervisor,  
Naval Telephone Exchange, Naval Base, Kochi, R/o Sandram,  
Udayamperoor, Nadakkavu PO, Ernakulam District
- 2 M.S.Nair, S/o Late G.Madhavan Nair, Telephone Supervisor,  
Naval Telephone Exchange, Naval Base, Kochi, R/o 34/882 A,  
Rohini, Sreevilaksam Road, Edappally, Kochi.
- 3 V.V.Rajan, S/o late V.Varghese Telephone Supervisor,  
Naval Telephone Exchange, Naval Base, Kochi, R/o Vellara  
House, Pellakkatt Payoor, Koonamuchy, Choondal,  
Kunnamkulam Thrissur District.
- 4 N.M.Vidyadhara Kurup, S/o late Madhavan Pillai,  
Telephone Operator, Naval Telephone Exchange, Naval Base,  
Kochi, R/o Jijattu Veetila, Pennukkara PO, Chengannur.
- 5 C.R.Sreedharan Nair, S/o late Parameswaran Nair,  
Telephone Operator, Naval Telephone Exchange, Naval Base,  
Kochi, R/o Chaloor House, Puliyoar, Perrisserry PO, Chengannur.
- 6 Smt Leelamma Baby, W/o P.C.Baby, Telephone Operator,  
Naval Telephone Exchange, Naval Base, Kochi, R/o PV House  
27/1659, Elamkulam, Kadavanthara, Kochi.
- 7 D.John, S/o late Daniel Chacko, Telephone Operator,  
Naval Telephone Exchange, Naval Base, Kochi, R/o Atlanda  
Eravankara, Kunnam, Mavelikkara.

( By Mr.V.V.Nandagopal Nambiar, Advocate)

Vs.

- 1 Union of India represented by the Secretary,  
Ministry of Defence, Central Secretariat, New Delhi.
- 2 The Chief of Naval Staff, Naval Headquarters, New Delhi.
- 3 The Flag Officer, Commanding in Chief,  
Southern Naval Command, Naval Base, Cochin.

Respondents.

(By Mr.TPM Ibrahim Khan, SCGSC)

### ORDER

HON'BLE SMT SATHI NAIR, VICE CHAIRMAN

Both the OAs involve a common question of law and facts, therefore, these applications are being disposed of by this common order.

2 The applications have been filed by the Telephone Operators of different establishments under the Southern Naval Command. They are aggrieved by the nongranteeing of the enhanced pay scale which is being granted to other Telephone Operators in the same Ministry from the year 1973. It is their case that they were discharging identical duties and having identical qualifications but are given the pay scale which is lower than the pay scale granted to their counterparts in the Indian Army by Annex.A1 order which was granted by way of implementation of the judgment of the Hon'ble Supreme Court dated 27.4.2000 in SLP No.11736/96 filed by the Western Command Civilian Employees Union & others. Since then the

applicants who are in the Navy had been agitating for grant of a similar pay scale. This was also the subject matter of litigation before the various Benches of the Tribunal and the Judgments of the Lucknow Bench, Allahabad Bench and Jodhpur Bench in OA 70/93 and OA 133/87 have been cited by the applicants. All these judgments have attained finality and have been implemented. It is also submitted that the higher ~~xxxx~~ pay scale was also sanctioned to the similarly situated Telephone Operators in pursuance of a judgment of the Chandigarh Bench of the Tribunal which was also up-held by the Hon'ble Supreme Court.

2 The respondents have filed a reply statement contending that applicants were employed after the implementation of the 3<sup>rd</sup> Central Pay Commission in the year 1973 and that the method of recruitment, duties and responsibilities, condition of work of Telephone Operators in various department of Central Government are different and that even in the reports of the 4<sup>th</sup> & 5<sup>th</sup> Central Pay Commission no such equality was drawn. Hence they have contended that there is no case for up-gradation of pay scale in respect of the Telephone Operators of Navy.

3 When the matter came up for hearing, the counsel for the applicant has drawn our attention to the judgment of the Calcutta Bench of the Tribunal in OA 380/2004, Subhash Chandra Basu & Ors. Vs. Defence, in which Telephone Operators in the Eastern Naval Command had approached the Calcutta Bench of the Tribunal. After considering the matter in its

entirety and taking into account the various judgments given by the Coordinate Benches of the Central Administrative Tribunal and the Hon'ble Supreme Court, the Calcutta Bench of the Tribunal held as under:

"8 In reply Mr.Sarkar has pointed out that the Lucknow Bench of this Tribunal considered the same issue and directed similar pay scale for the applicants therein. It appears that by an order dated 10.9.2003 the respondent authorities implemented the order of this Bench as also Bombay Bench whereby the pay scale of Telephone Operators Gr.II was granted to Rs.260-480 instead of Rs. 260-400 w.e.f. 1.1.1973, Rs.975-1660 in stead of Rs.950-1500 from 1.1.86 and Rs.3200-4900 from 1.1.96 vide Annexure A5. The applicants, therefore, claim that they should also be granted similar pay scales as they are similarly circumstanced and the question of limitation cannot apply in their case.

9 Regarding the delay we do not find any logic behind the same. The respondent authorities are duty bound to give uniform pay scale to all Telephone Operators working under the Defence Establishments, whether it is in the Army or in the Naval side. The different Benches of the Tribunal as also the Hon'ble Supreme Court directed for grant of uniform pay scale and the said directions have also been implemented recently except in the case of the applicants. In our opinion, the applicants cannot be discriminated in the matter of pay scale as they are working in the same posts and it is seen from the recruitment rules that the qualifications etc for both wings are the same, so also their duties and responsibilities. Therefore, the authorities cannot discriminate between the same category and class of Telephone Operators working under the same Defence Establishment.

10 In view of the above, we quash the impugned order dated



2.4.2004 and direct the respondent authorities to reconsider extending the same pay scale as it has been given to the counter-parts of the applicants working as Telephone Operators in the Army to the present applicants who are working in the naval side within four months from the date of communication of this order. No costs."


4 Thus it is evident that the same benefit granted by the Hon'ble Supreme Court in Annx.A2 order to the Telephone Operators of Western Command Civilian Employees Union and implemented by Annx.A1 order have now been granted by the order of the Calcutta Bench of the Tribunal to the Telephone Operators of the Eastern Naval Command. There is no reason or justification for denial of the same to the Telephone Operators of the Southern Naval Command who are the applicants in this O.A.

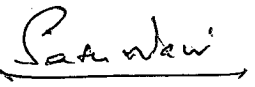
5 The respondents have produced an order dated 15.3.2006 enclosing order dated 2.12.2005 issued by the Integrated Headquarters of Ministry of Defence (Navy) in purported implementation of the judgment of the Calcutta Bench of the Tribunal in OA 380/2004. It is seen therefrom that the orders have been implemented giving the higher pay scale Rs.3200-4900 to the Telephone Operators Grade II w.e.f 1.1.1996. The respondents thus appears to have implemented the order of the Calcutta Bench of the Tribunal to the extent of giving the higher pay scale from 1.1.96, but omitted, to take action to grant the benefit w.e.f 1.1.1973 to the pay scale Rs.260-480 and from 1.1.1986 to the pay scale Rs.975-1660 which only would amount to full implementation of the judgment. They are aware that Annx.A1 order granting the similar pay scale to the Telephone Operators in

the Army was w.e.f 1.1.1973 in the scale Rs. 260-480. Therefore, the argument of the respondents that necessary orders have been issued implementing the judgment of the Calcutta Bench of the Tribunal in OA 380/2004 cannot be accepted.

6 As stated above, the respondents are bound to implement the benefits granted by the orders of various Benches of the Tribunal and the Hon'ble Supreme Court to their counter parts in the Army to the applicants in these O.As belonging to the Southern Naval Command. Hence, we declare that the applicants are entitled to the benefits extended by Annx.A1 w.e.f 1.1.1973 or from the date of their joining.

7 Accordingly the O.As are allowed. We direct the respondents to grant the higher pay scale Rs260-480 from 1.1.1973 and Rs.975-1660 from 1.1.1986 to the applicants alongwith other consequential benefits within a period of four months from the date of receipt of a copy of this order.

  
(K.B.S.Rajan)  
Judicial Member  
kkj

  
(Sathi Nair)  
Vice Chairman.