

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 19/97

Wednesday the 29th day of July 1998.

CORAM

HON'BLE MR P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER

C.X.Joy
Telephone Supervisor (Operative)
Office of the Sub Divisional Engineer
Fault Control, Co-Axial Station
Ernakulam, Kochi - 682 016

...Applicant

(By advocate Mr M. Rajagopalan)

Versus

1. Accounts Officer
Southern Telecommunication
Sub Region, Kochi-16.
2. The Chief General Manager (Maintenance)
Southern Telecom Region
Madras-1.
3. The Director General
Department of Telecommunication
Sanchar Bhavan
New Delhi-1.

(By advocate Mr James Kurian)

Application having been heard on 29th July 1998, the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

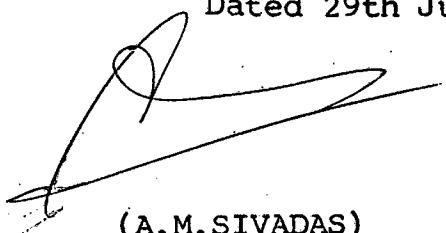
Applicant who is a telephone supervisor (operative) in the office of the Sub Divisional Engineer, Fault Control, Co-Axial Station, Ernakulam, submits that he had been re-employed after serving in the Navy. At the time of retirement from the Navy, his last pay drawn was Rs.278/-. On re-employment in the post of telephone operator, he was placed in the scale of 260-480. The applicant submits that his pay was fixed at the minimum [redacted] of Rs. 260/- which was less than the last pay drawn by him. This has caused hardship to him and in terms of the instructions issued by the Govt. of India, he is entitled to an increment for each year of service in the Navy so that his last pay drawn is protected. He approached the Tribunal in OA 407/96

which was disposed of by the Tribunal with a direction to the 4th respondent therein to dispose of the representation made by the applicant. The applicant submits that the representation dated 9.5.96 (Annexure A-5) was disposed of by the impugned order dated 29.10.96 (Annexure A-6). The respondents have stated that the applicant was holding a lower post in the scale of Rs. 250-326 in the Navy, compared to the post in which he was re-employed in the pay scale of Rs. 260-480 and, therefore, in accordance with rules, his pay was fixed at the minimum of the pay scale of the re-employed post. So stating, his request was rejected. The applicant has challenged A-6 impugned order on the ground, inter alia, that the pay scale in the Armed Forces cannot be compared with the pay scale of Civil Posts. The pay scale of the ~~combatant~~ is comparatively low as the pay is in addition to free boarding and lodging and other allowances. So the practice adopted in all departments is to consider the last pay drawn in the Armed Forces and to compare it with the minimum of the scale of the re-employed posts. If the minimum of the scale is less than the last pay drawn, the pay is fixed protecting the last pay by giving additional increments. This is done as there is no comparison between the post in the Armed Forces and in civil employment.

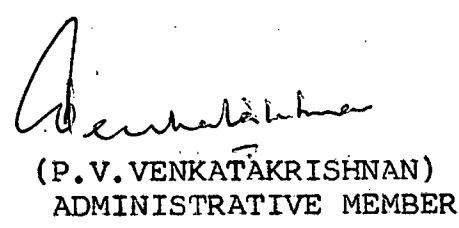
2. Learned counsel for applicant submits that the arguments regarding comparison of the Armed Forces' scale with the Civilian Scale have not been placed before the respondents and that he may be given an opportunity to place this argument before the respondents. Learned counsel appearing for respondents has no objection to this course of

action. Accordingly we permit the applicant to submit a representation to the third respondent within one month. If such a representation is submitted, the third respondent shall consider ~~it~~ and pass appropriate orders within a period of three months from the date of receipt of a copy of this order. Application is disposed of as aforesaid. No order as to cost.

Dated 29th July 1998.



(A.M. SIVADAS)
JUDICIAL MEMBER



P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

aa.

LIST OF ANNEXURES

1. Annexure A5: True copy of representation of applicant to the respondents dated 9.5.96.
2. Annexure A6: True copy of order No.3/7(15)/96-PAT dated 29.10.1996 issued by 3rd respondent.

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