

**CENTRAL ADMINISTRATIVE TRIBUNAL,**  
**ERNAKULAM BENCH**

**Original Application No. 228 of 2011**

**Wednesday, this the 12<sup>th</sup> day of December, 2012**

**CORAM:**

**Hon'ble Mr. Justice P.R Raman, Judicial Member**  
**Hon'ble Mr. K. George Joseph, Administrative Member**

Kavitha Mohan, Telecom Technical Assistant,  
Telephone Exchange, Sreekariyam,  
Thiruvananthapuram-695 017.

..... **Applicant**

**(By Advocate – Mr. Vishnu S. Chempazhanthiyil)**

**V e r s u s**

1. The Principal General Manager,  
Trivandrum Telecom District,  
BSNL, Uppalam Road,  
Thiruvananthapuram-695 001.

2. The Chief General Manager,  
Office of the CGMT, BSNL,  
Thiruvananthapuram-695 033.

..... **Respondents**

**(By Advocate – Mr. Thomas Mathew Nellimoottil)**

This application having been heard on 12.12.2012, the Tribunal on the same day delivered the following:

**ORDER**

**By Hon'ble Mr. Justice P.R Raman, Judicial Member -**

The applicant is a Telecom Technical Assistant working in Sreekariyam Exchange under the 1<sup>st</sup> respondent. An option was given to employees in non-executive cadre for fixation of pay vide office order No. 10/2010 dated 7.5.2010. However, applicant's option was rejected. The applicant was working as TOA(G) between 5.1.1999 to 24.2.2008 in the



scale of Rs. 4720-6970/-, later promoted as Telecom Technical Assistant with effect from 25.8.2008 in the pay scale of Rs. 7100-10100 as per order dated 26.8.2008. It is stated that Corporate office of the BSNL issued an order dated 7.5.2010 implementing the revision of pay scale for non-executive employees in BSNL with effect from 1.1.2007. The relevant portion of the said order is produced as Annexure A1. As per Annexure A1 the revised IDA pay scale of the existing IDA pay scale of Rs. 7100-10100/- was Rs. 13600-25,420/-. Fitment method is also prescribed in paragraph 2. It also provided that non-executive can opt for revision of pay on 1.1.2007 or from the date of promotion after 1.1.2007 or from the date of next increment in the existing scale. Applicant exercised the option for revision of pay for promotion after 1.1.2007 as the date of promotion of the applicant being 25.8.2007. However, while re-fixing the pay, the pay revision was effected in the case of the applicant from 1.1.2007. Annexure A2 is the statement of fixation of pay. From Annexure A2 it is seen that basic pay on 1.1.2007 was taken into account and fitment formula was applied and the revised basic pay as on 1.1.2007 was arrived at Rs. 13,000/-. A representation was submitted thereafter. Copy of which is produced as Annexure A3. Annexure A3 was disposed of with a communication dated 14.12.2010 intimating the applicant that the pay scale of Rs. 7100-10100/- for TIAs has ceased to exist on 1.1.2007 and is replaced by the new scale of Rs. 13600-25420 and therefore, the date of appointment as TIA is from 25.8.2008 on which date the new scale of Rs. 13600-25420/- is in force and pay fixation can be allowed only in the new scales for TIAs. This communication is produced as Annexure A4. Subsequently, also

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representation has been made. It is contended by the applicant that in identical situation one M. Haridasan of Malappuram has been favoured with a fixation. However, no orders have been passed in the subsequent representation made by the applicant. It is contended that the stand taken in Annexure A4 is opposed to Annexure A1 office order. Hence, Annexures A1 and A4 is impugned in this OA.

2. Reply has been filed and a second additional reply is also filed. It is unnecessary to go into the rival submissions made by the parties in view of the development of the case pursuant to the additional reply filed. In the additional reply filed by the respondents in paragraphs 4 & 5 it is stated as follows:-

"4. It is humbly submitted that based on Annexure R2, the applicant submitted a revised option dated 20.01.2012. A copy of the revised option exercised by the applicant and dated 20.01.2012 is produced and marked as Annexure R7. In the light of fresh option exercised by the applicant, to regulate the pay from the date of promotion, the pay of the applicant will be as follows:

Basic Pay on 25-08-08 (as per pre-revised pay scale of Sr. TOA)	Rs. 6070
Add one notional increment	Rs. 150
Total	Rs. 6220
Next state in the higher scale of 7100-200-10100 (pre-revised pay scale of TTA)	Rs. 7100
Basic pay allowing fitment (68.8% + 30%) as per 2 <sup>nd</sup> PRC	Rs. 15590


5. The pay of the applicant will be fixed at Rs. 15590 in the revised pay scale of 13600-25420 with effect from the date of promotion i.e. 25.08.2008. The revised pay and allowances paid to the applicant by way of pay fixation from 01.01.2007 for the period from 01.01.2007 to 24.08.2008 will have to be recovered from the arrears payable to the applicant in accordance with the revised option exercised by her."



3. This satisfies the applicant. Hence as stated in paragraphs 4 & 5 of the reply statement further action will be taken to implement the benefits as proposed to be conferred on the applicant by the above said admission. This may be done as early as possible and at any rate within a period of two months from the date of receipt of a copy of this order.

4. OA is disposed of as above. No order as to costs.

  
**(K. GEORGE JOSEPH)**  
**ADMINISTRATIVE MEMBER**

  
**(JUSTICE P.R. RAMAN)**  
**JUDICIAL MEMBER**

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