

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 308/2003

Thursday this the 17th day of April, 2003.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

S.Rajendrakumar Pillai
Sub Inspector (Operative)
S/o Sreedharan Pillai
Telephone Exchange
Mukhathala, Kollam.

Applicant

(By advocate Mr.Vishnu S. Chempazhanthiyil)

Versus

1. Accounts Officer (Cash)
Office of the General Manager
Telecom, Kollam.
2. General Manager
Telecom, BSNL, SSA Unit
Kollam.
3. Chairman, BSNL
New Delhi.
4. Director General
Telecom Department
New Delhi.
5. Union of India rep. by its
Secretary
Ministry of Communications
New Delhi.

Respondents.

(By advocate Mr. P.Vijayakumar, ACGSC)

The application having been heard on 17th April, 2003, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant, Sub Inspector (Operative), Telephone Exchange, Mukhathala, Kollam, has filed this application, aggrieved by A-4 by which he has been given a take home salary of Rs.7/- only for the month of March 2003. Aggrieved by that, the applicant made A-5 representation to the second respondent, which has not been considered and disposed of. As no notice was

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given to the applicant for any recovery, the action of the respondents in withholding the pay of the applicant, according to him, is illegal and unjustified. The applicant has therefore filed this application for the following reliefs:

- (i) Call for the records and quash Annexure A4 in as much as his pay was reduced from what was paid to him in February by Annexure A3.
- (ii) Declare that the applicant is entitled to be paid as a BSNL employee till the completion of the disciplinary proceedings and direct the respondents to regulate his pay accordingly.
- (iii) Direct the respondents not to make any recovery of the payment made to him as a BSNL employee till the completion of the disciplinary proceedings.
- (iv) Direct the respondents to pay the applicant his salary for the month of March 2003 without making any recovery by treating him as a Telecom employee.
- (v) Direct the 2nd respondent to consider and pass orders on Annexure A5 and keep the recovery in abeyance till this is done.

2. When the application came up for hearing on admission and interim relief today, Sh.P.Vijayakumar, the learned Additional Central Government Standing Counsel, stated that the applicant's absorption in the BSNL being subject to the outcome of the disciplinary proceedings pending against him, he was entitled to receive pay in the CDS scale only but was paid wrongly in the IDA scale and, therefore, the recovery is being made only towards that. However, the counsel agreed that the application may be disposed of directing the second respondent to consider the representation of the applicant after giving him an opportunity of personal hearing, also permitting the applicant to make a supplementary representation and that till an order on the representation is served on the applicant, further recovery from the pay of the applicant be not made and he be continued to be paid as earlier. Learned counsel of the applicant also agreed that the application may be disposed of accordingly.

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3. In the light of the submissions made by the learned counsel on either side, this application is disposed of permitting the applicant to make a supplementary representation to the second respondent within 2 weeks and directing the second respondent to consider representation after giving the applicant a personal hearing and to dispose it of with a speaking order. We also direct that till a speaking order on the representation of the applicant is served on the applicant, the applicant should be paid salary every month as was being paid prior to A-4, without any reduction or recovery on the ground that he is being paid at IDA scale. No costs.

Dated 17th April. 2003.

Sub:

T.N.T.NAYAR
ADMINISTRATIVE MEMBER

aa.

A. V. Haridasan

A. V. HARIDASAN
VICE CHAIRMAN