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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIFUR BENCH, JAIPUR.

OA 402/94 : Date of order 29.9.94

Harish Kumar & Another : Applicants

V/s

Union of India & Others : Respondents

Mr. Surendra Singh : Counsel for the applicant.

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Hon'ble Mr. Gopal Krishna, Member (Judicial)

Hon'ble Mr. G.P. Sharma, Member (Administrative)

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (JUDICIAL)

Applicants Harish Kumar and Vinod Kumar have filed this application u/s 19 of the Administrative Tribunals Act, 1985, (for short, the Act) praying that the respondents be directed to allow them the regular pay scale of Air Conditioning Operator/Technician i.e. Rs. 975-1660 w.e.f. 2.7.86 with all consequential benefits.

2. We have heard the learned counsel for the applicant and have perused the records carefully.

3. The applicant Harish Kumar is presently serving as Air Conditioning Operator in the office of the Sub-Divisional Engineer, P & A Sanganeri Gate Telephone Exchange, Jaipur while the applicant Vinod Kumar is serving on the same post in the office of the Sub-Divisional Engineer, SPC Telex, GMTD, Jaipur. Their responsibilities and duties are the same as that of the regularly appointed operators. The post of Air Conditioning Operator/Technician falls under group 'C' posts. It is stated by the applicants that the Government of India in the Ministry of Communication, Department of Telecommunication, New Delhi issued an order dated 17.12.93 whereby the daily rated workmen falling under group 'D' were ordered to be regularised by conferring upon them the temporary status in case they were appointed during the period from 30.3.85 to 22.6.83 by following ^{vide} the instructions and guidelines issued vide order no. 269-10/89-

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STN dated 7.11.89. But no orders were issued regarding the employees under group 'C'. The grievance of the applicants is that they are being wrongfully denied equal pay and allowances and other service benefits attached to the post of Air Conditioning Operator/Technician. The applicants were merely allowed the minimum pay of Rs. 950/- per month plus dearness allowance in the capacity of skilled labour vide an order dated 25.2.88 at Annexure A-4 in spite of the fact that they are actually working as Air Conditioning Operators/Technicians and after having put in service for a period of more than 8½ years, their services have neither been regularised nor they were given the pay of the post. The applicants have already served a notice upon the respondents as to their grievance but it evoked no response. The learned counsel for the applicant has stated that this notice at Annexure A-1 dated 31.3.94 is in the nature of a representation as envisaged by section 20 of the Act.

4. We, therefore, direct the respondents to treat this notice at Annexure A-1 dated 31.3.94 as a representation and decide the same in accordance with rules, meeting all the points raised therein, through a detailed speaking order within a period of two months from the date of receipt of a copy of this order. The applicant shall, however, be at liberty to file a fresh OA, if they are aggrieved by any decision taken thereon. The application stands disposed of accordingly at the admission stage.

(O.P. SHARMA)
MEMBER(A)

C.K.W.H.
(GOPAL KRISHNA)
MEMBER(J)