

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

10.10.2011

TA 12/2011 (CWP 1535/2008)

Mr. S.S. Ola, Counsel for applicant.
Mr. Neeraj Batra, Counsel for respondents.

It is a DB matter. DB is not available today.

Second set of
paper book filed

u/s

Learned counsel for the applicant submits that he has filed second set of paper book in the Registry. The Registry is directed to place the same on record.

List it on 24.11.2011.

Anil Kumar

(Anil Kumar)
Member (A)

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ahq

24.11.2011

Mr. S.S. Ola, Counsel for applicant

Mr. Neeraj Batra, Counsel for respondents

Heard. The TA is disposed of by a
separate order.

Anil Kumar
(Anil Kumar)

M (A)

K.S. Rathore
(Justice K.S. Rathore)

M (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 24th day of November, 2011

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV)

Transferred Application No.10/2011
(SB CWP No.5889/2007)

Mohan Nath
s/o Shri Bhairu Nath,
r/o 16 Shiv Vila,
Abhiyanta Nagar,
Chorasia Was Road,
Ajmer.

.. Applicant

(By Advocate: Shri S.S.Ola)

Versus

1. Bharat Sanchar Nigram Limited
through Chairman and Managing Director,
Corporate Office,
210-B Statesman House,
Barakhamba Road,
New Delhi
2. The Chief General Manager,
Telecommunication,
Bharat Sanchar Nigam Limited,
Sardar Patel Marg,
Jaipur.
3. The General Manager,
Telecommunication District,
Bharat Sanchar Nigam Limited,
Jaipur.

4. The Accounts Officer,
Office of General Manager,
Telecommunication District,
Bharat Sanchar Nigam Limited,
Ajmer.

.. Respondents

(By Advocate: Shri B.N.Sandu)

Transferred Application No.11/2011
(SB CWP 5888/2007)

Rajendra Kumar
s/o late Shri Kalyan Mal Sharma,
r/o Plot No.22, Street No.9,
Narsinghpura, Foy Sagar Road,
Ajmer.

.. Applicant

(By Advocate: Shri S.S.Ola)

Versus

1. Bharat Sanchar Nigram Limited
through Chairman and Managing Director,
Corporate Office
210-B Statesman House,
Barakhamba Road,
New Delhi
2. The Chief General Manager,
Telecommunication,
Bharat Sanchar Nigam Limited,
Sardar Patel Marg,
Jaipur.
3. The General Manager,
Telecommunication District,
Bharat Sanchar Nigam Limited,
Ajmer

4. The Accounts Officer,
Office of General Manager,
Telecommunication District,
Bharat Sanchar Nigam Limited,
Ajmer.

.. Respondents

(By Advocate: Shri B.N.Sandu)

✓Transferred Application No.12/2011
(SB CWP 1535/2008)

Indrajeet Sharma
s/o late Shri Ram Swaroop Sharma,
r/o 21/261, Mansarovar,
Jaipur

.. Applicant

(By Advocate: Shri S.S.Ola)

Versus

1. Bharat Sanchar Nigam Limited
through Chairman and Managing Director,
Corporate Office at
210-B Statesman House,
Barakhamba Road,
New Delhi
2. The Chief General Manager,
Telecommunication,
Bharat Sanchar Nigam Limited,
Sardar Patel Marg,
Jaipur.
3. The Principal General Manager,
Telecommunication District,
Bharat Sanchar Nigam Limited,
Jaipur.

4. The AGM (Legal),
O/o CGMT, BSNL,
Rajasthan Circle,
Jaipur.
5. A.O. Cash (South),
O/o PGMTD, Jaipur.

.. Respondents

(By Advocate: Shri Neeraj Batra)

ORDER (ORAL)

The aforesaid OAs involving similar facts and the question of law are being decided by this common order.

2. The applicants claim relief to issue writ, order or direction that the statement of pay fixation of the year January, 1997/27.10.1997 under the Civil Services (Revised Pay) Rules, 1996 may kindly be upheld and respondents may be directed to make payment of salary to the applicants as per statement of pay fixation.

3. The learned counsel appearing for the applicants submitted that similar controversy has been decided by this Tribunal at CAT-Jodhpur Bench and also by the Hon'ble High Court of Himachal Pradesh. It is further submitted that OA No. 172/2010 was decided by this Bench of the Tribunal on 18th April, 2011 having considered the judgment dated 24.9.2008 rendered by the Hon'ble Himachal Pradesh High Court in CWP



No. 262/2002, R.L.Mahajan and others vs. Union of India and others, and the judgment rendered by the Apex Court in the case of State of U.P. and Anr. vs. Dr. M.J.Siddiqui reported in AIR 1980 SC 1098 as well as the judgment of the CAT-Chandigarh Bench rendered in OA No. 287/JK/2002.

2. Having considered the rival submissions of the respective parties and upon careful perusal of the material available on record and the relief claimed by the applicants, we are of the view that the present matter is squarely covered with the facts and circumstances as it has arisen in CWP No. 262/2002 decided on 24.9.2008 by the Himachal Pradesh High Court at Shimla as the applicants claim revised pay scale of Rs. 6500-10500, from the date from which officers of erstwhile cadre of JTO have been given this scale.

3. Thus, we are in agreement with the judgment of the Hon'ble Himachal Pradesh High Court at Shimla, which canvasses a view that two streams which were identical in nature were proposed to be merged; but by a technicality, the merger could take place, only after a specific benefit which was postulated for two branches together were given to one branch earlier, and then it was merged. The Himachal Pradesh High Court has held that based on the rationale of Hon'ble Supreme Court judgment, both streams are entitled to the same benefit.



4. As this Bench of the Tribunal in OA No.172/2010 decided on 18th April, 2011 has given liberty to the applicant therein to represent before the respondents; in our considered view, in the instance case also, we deem it proper to give liberty to the applicants to represent before the respondents along judgment dated 24.9.2008 rendered by the Himachal Pradesh High Court, Shimla in CWP No.262/2002 and judgment of CAT-Chandigarh Bench dated 18.11.2009 rendered in OA No. 287/JK/2009 and it is expected from the respondents to consider the same in the light of the direction issued by the Himachal Pradesh High Court and CAT-Chandigarh Bench and decide representation of the applicants expeditiously but in any case, not beyond the period of three months from the date of receipt of a copy of this order.

5. All the TAs stand disposed of in the above terms with no order as to costs.

—Sel—
(ANIL KUMAR)
Admv. Member

—Sel—
(JUSTICE K.S.RATHORE)
Judl. Member

R/

Copy given vide No. 1861 to 1862 dated 28-11-11

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