

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

O.A. No. 377/1998
Fax No.

199

DATE OF DECISION 23.03.2001

Madan Lal Kumavat Petitioner

Mr. A.L.Verma Advocate for the Petitioner (s)

Versus

Union of India and ors. Respondent


Mr. M.Rafiq Advocate for the Respondent (s)

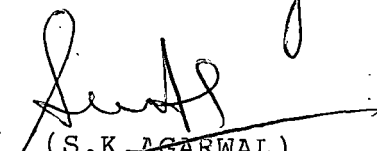
CORAM :

The Hon'ble Mr. S.K.AGARWAL, JUDICIAL MEMBER

The Hon'ble Mr. N.P.NAWANI, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not? *yes*
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal? *yes*


(N.P.NAWANI)
Adm. Member


(S.K.AGARWAL)
Judl. Member

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 23.03.2001

OA No.377/1998

Madan Lal Kumavat s/o Bhenru Lal, T/Supervisor, MAXI, Kota,
Department of Telecommunication r/o C-7, Keshavpura, First Choraha,
Kota.

.. Applicant

Versus

1. Union of India through Secretary, Department of Telecommunication, Government of India, New Delhi.
2. The Chief General Manager, Telecom, Rajasthan Circle, Jaipur
3. The Telecommunication District Manager, Kota
4. The Telecommunication District Engineer, Kota (Raj)

.. Respondents

Mr. A.L.Verma, counsel for the applicant

Mr. M.Rafiq, counsel for respondents

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr. N.P.Nawani, Administrative Member

Order

Per Hon'ble Mr.N.P.Nawani, Administrative Member

In this Original Application, filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant seeks the following reliefs:-

- i) That since the pay scale of the wireman at the time of appointment of the applicant was Rs. 110-3-131-EB-4-155 the pay scale given to the applicant was only of Mate which was not the post held by the applicant, he is entitled to the pay scale of wireman from the date he was initially appointed on the post of wireman in view of Annex.A3 which prescribes the pay scale for various posts including the post of wireman and mates from 8.1.72 or earlier date.
- ii) and further Revision of pay scales be allowed as when the pay



scales were revised of the said post with all consequential benefits be allowed to the applicant and interest at the rate of 18% per annum on the arrears be also allowed to the applicant.

iii) Costs of this application be also allowed to the applicant.

2. We have heard the learned counsel for the parties and have gone through all the material on record.

3. The controversy in this case lies within a narrow compass viz. whether the applicant, on appointment as Wireman vide order dated 5.9.72 (Ann.A1) was wrongly given the pay scale of Rs. 75-95, instead of the scale of Rs. 110-155.

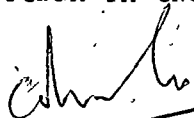
4. On careful consideration of the rival contentions, we do not find any infirmity or mistake in the order dated 5.9.1972 in appointing the applicant as Wireman in the pay scale of Rs. 75-95. For arriving at this finding, we examined the relevant Recruitment Rules (RRs for short) for the post of Wireman in the Department of Communication (P&T Board) as published vide Gazette Notification dated 5.12.1968 (Ann.R2). The RRs held the field at the time of appointment of the applicant in the post of Wireman on 5.9.1972. In the said RRs the pay scale of Rs. 75-1-85-EB-2-95 has been shown against the post of Wireman and it is precisely the same pay scale that was given to the applicant when he was appointed as Wireman on 5.9.1972. It is, therefore, not possible to accept the contention of the applicant that he was given the pay scale of Mate and should have, instead, been appointed in the pay scale of Rs. 110-155.

5. The learned counsel for the applicant strenuously tried to build his case on the basis of Central Civil Services (Revised Pay)



No.5 under the heading Section 8 - Ministry of Communications, Sub-section 4 - Posts and Telegraphs Department, (C) Telegraph Traffic and Telegraph Engineering Branches is the pay scale applicable in the case of the applicant and that is very same as shown in the appointment order in respect of the applicant viz. Rs. 75-1-85-EB-2-95. The applicant was, therefore, rightly appointed as Wireman in the pay scale of Rs. 75-1-85-EB-2-95 vide order dated 5.9.1972 (Ann.A1) and there is absolutely no justification for our interfering with Ann.A1 and issue any directions to the respondents as prayed by the applicant.

7. The learned counsel for the applicant has sought support from the combined judgment/order dated 21.7.2000 rendered in OA No.130/94, Madan Lal and Ors. v. Union of India and ors., but we are of the considered view that it is of no help to the applicant. We have come to a clear finding that the post of Wireman in the Posts and Telegraphs Department on the date of appointment of the applicant in this OA was in the pay scale of Rs. 75-1-85-EB-2-95 and the applicant was correctly appointed in the said pay scale vide order dated 5.9.1972 (Ann.A1). That a Division Bench of this Tribunal, in which one of us was also a Member, had allowed the pay scale of Rs. 210-270 vide their judgment/order dated 21.7.2000 to the applicants therein cannot extend any help to the applicant in this OA since that judgment was delivered in the background of the facts and circumstances of that case, including the documents filed by the rival parties in the case. In fact the copy of the Central Civil Services (Revised Pay) Rules, 1973 as annexed at Ann.A6 in that case was incomplete with only extracts relating to (i) WORK CHARGED ESTABLISHMENT showing the post of Wireman in Work Charged Establishment in the pay scale of Rs. 110-155 (pre-revised) and Rs. 260-350 (revised). The other part of the very same Rules applicable to the Wireman in the Posts and Telegraphs Department showing the



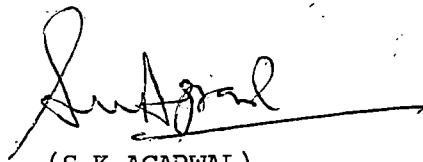
pre-revised pay scale of Wireman as Rs. 75-95 was not annexed, whereas the applicants both in the OA No.130/94 and the present OA belong not to Work Charged Establishment but the main Posts and Telegraphs Department and the scale applicable to them was Rs. 75-95. Thus, the decision in OA No.130/94 etc. was rendered without the Tribunal having the benefit of said Revised Pay Rules of 1973 in totality and, therefore, the judgment delivered in OA No. 130/94 cannot be applied in the present OA. As mentioned earlier, the relevant RRs also clearly mention that pay scale of Rs. 75-95 for Wireman in the P&T Department. The applicant was thus correctly appointed on 5.9.1972 (Ann.A1) in the pay scale of Rs. 75-1-85-EB-2-95 and no intervention is called for from us.

8. In the result, the OA does not succeed and is accordingly dismissed with no order as to costs.



(N.P.NAWANI)

Adm. Member



(S.K.AGARWAL)

Judl.Member