

CENTRAL ADMINISTRATIVE TRIBUNAL,  
JABALPUR BENCH,  
JABALPUR

Original Application No. 397 of 2006

Jabalpur, this the 27<sup>th</sup> day of June, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman  
Hon'ble Shri A.K. Gaur, Judicial Member

Gavin D'Souza & 19 ors. .... Applicants

(By Advocate – Shri Sajid Akhtar)

V E R S U S

Union of India & 6 ors. .... Respondents

O R D E R (Oral)

By A.K. Gaur, Judicial Member –

By means of this petition the applicants have stated that they were working under the Ordnance Factory Board, Calcutta and at the time of joining they were given the pay scale of Rs. 260-400/- . Some of the applicants have retired and two of them are at the verge of retirement. It is submitted on behalf of the applicant that the Government of India, Ministry of Defence issued an office memorandum dated 23.8.1972 extending higher scale of pay of Rs. 260-480/- to all Telephone Operators fulfilling the following conditions 1) Operators perform 45 hours duty per week, 2) they are not entitled to holidays & 3) they perform night duty.

2. The counsel for the applicants has argued that the respondents have failed to uniformly implement the order of Ministry of Defence dated 23.8.1972. The similarly placed Telephone Operators/Civil Switch Board Operators had approached the Tribunal at Jodhpur Bench, Chandigarh Bench and Principal Bench. The Tribunal was pleased to allow the applications. It was held that the applicants were performing similar work and fulfilled the required conditions, therefore they were entitled to higher pay scale of Rs. 260-480/- as contained in the

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memorandum dated 23.8.1972. The applicants relying upon the orders of this Tribunal and the order of the Ministry of Defence had approached the respondents by way of a representation for redressal of their grievances seeking the same benefit. But neither the same was considered nor decided by the respondents.

3. Considering the above submission of the applicants we are fully satisfied that the grievance of the applicants would be redressed if direction is given to the respondents to decide the pending representation of the applicants at Annexure A-3, within a specified period of time. We accordingly, direct the respondents to consider and decide the representation of the applicants (Annexure A-3) within a period of two months from the date of receipt of a copy of this order. Be it noted that we have not expressed any opinion on the merits of the case.

4. In view of the aforesaid, the Original Application stands disposed of at the admission stage itself.

5. The Registry is directed to supply the copy of memo of parties to the concerned parties while issuing the certified copies of this order.

*A.K. Gaur*  
(A.K. Gaur)  
Judicial Member

*Girish*  
(Dr. G.C. Srivastava)  
Vice Chairman

"SA" कृष्णन सं. ओ/न्या.....जबलपुर, दि.....  
प्रतिलिपि अचोहितः—  
(1) सचिव, उच्च न्यायालय बांड एजेंसीएशन, जबलपुर  
(2) आवेदक श्री/श्रीमती/यु. ....के काउंसल  
(3) प्रध्यायी श्री/श्रीमती/यु. ....के काउंसल  
(4) ग्रंथालय, के प्र.अ., जबलपुर न्यायालय  
सूचना पुरां आवश्यक कार्यवाही हैं  
उप रजिस्ट्रार

Sajid Akbar Dated 23/3/2013  
Res No 167  
(With C.O.S.)  
Dated 23/3/2013

25/3/2013  
25/3/2013