

(2)

THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET

APPLICATION NO.: _____

Applicant (S)

Respondent (S)

Advocate for Applicant (S)

Advocate for Respondent (S)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

03/08/2009
O.A. 322/2008

Present : Mr. Jitendra Sharma counsel for the applicant.
Mr. D.C. Sharma counsel for the respondents.

This case has been listed before Deputy Registrar due to non-availability of division Bench. Let the matter be placed before the Hon'ble Bench on 11/08/2009.


(Gurmit Singh)
Deputy Registrar

Vv

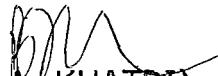
11.08.2009

OA No. 322/2008

Mr. Jitendra Sharma, Counsel for applicant.
Mr. Kunal Rawat, Sr. Standing Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the OA is disposed of.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 11th August, 2009

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

1. ORIGINAL APPLICATION NO. 320/2008

Fateh Chand Sharma son of Late Shri Jaganath Prasad aged about 62 years, resident of Gopalgarh, Bharatpur. Retired Telephone Supervisor, Ammunition Depot, Bharatpur.

.....APPLICANT

(By Advocate: Mr. Jitendra Sharma)

VERSUS

1. Union of India through the Secretary to Government of India, Ministry of Defence, New Delhi.
2. The Director General of Ordnance Services, Master General of the Ordnance Branch, Army Head Quarter, DHQPO, New Delhi.
3. Chief Record Officer, AOC Records, Secunderabad.
4. Commandant, Ammunition Depot, South West Command, Bharatpur (Rajasthan).

.....RESPONDENTS

By Advocates : (Mr. D.C. Sharma)

2. ORIGINAL APPLICATION NO. 321/2008

Bharat Bhushan Jain son of Late Shri Kamal Singh Jain, aged about 49 years, resident of Gopalgarh, Bharatpur (Rajasthan), Telephone Supervisor, Ammunition Depot, Bharatpur.

.....APPLICANT

(By Advocate: Mr. Jitendra Sharma)

VERSUS

62

1. Union of India through the Secretary to Government of India, Ministry of Defence, New Delhi.
2. The Director General of Ordnance Services, Master General of the Ordnance Branch, Army Head Quarter, DHQPO, New Delhi.
3. Chief Record Officer, AOC Records, Secunderabad.
4. Commandant, Ammunition Depot, South West Command, Bharatpur (Rajasthan).

.....RESPONDENTS

By Advocates : (Mr. D.C. Sharma)

3. **ORIGINAL APPLICATION NO. 322/2008**

Virendra Kumar Tiwari son of Shri Lala Ram Tiwari, aged about 31 years, resident of C-19, Indra Nagar, Heera Dass, Bharatpur, Rajasthan. Telephone Operator, Ammunition Depot, Bharatpur.

....APPLICANT

(By Advocate: Mr. Jitendra Sharma)

VERSUS

1. Union of India through the Secretary to Government of India, Ministry of Defence, New Delhi.
2. The Director General of Ordnance Services, Master General of the Ordnance Branch, Army Head Quarter, DHQPO, New Delhi.
3. Chief Record Officer, AOC Records, Secunderabad.
4. Commandant, Ammunition Depot, South West Command, Bharatpur (Rajasthan).

.....RESPONDENTS

By Advocates : (Mr. Kunal Rawat, Sr. Standing Counsel)

ORDER (ORAL)

By this common order, we propose to dispose of these OAs by a common order as common question of facts & law is involved.

2. In these cases, the applicants have prayed that direction may be given to the respondents to revise the pay scales of the applicants along with consequential benefits.

3. Briefly stated, facts of the cases are that the applicants are Telephone Operators/Telephone Supervisors. There was an anomaly in the pay scales of Telephone Operators and Civil Switch Board Operators. Accordingly the matter was considered by the respondents and it was decided that Telephone Operators should be granted the scale equivalent to that of Civil Switch Board Operators. For that purpose, exercise was done at the headquarter level and undertaking was also taken to accept the revised pay scale as per formula and give up the benefit of ACP, which option was exercised by the applicants. The grievance of the applicants is that despite the fact that they have given the undertaking and Headquarter Office had referred the matter to the Government but no decision has been taken by the respondents till date. It is under these circumstances the applicants have prayed that once the respondents have principally decided the grant the revised pay scale to the telephone Operators at par with Civil Switch Board Operators, it is not permissible for the respondents not to take follow up action in the light of the tentative decision so taken and have prayed that direction may be given to the respondents to revise their pay scales.

4. Notice of this application was given to the respondents. The facts, as stated above, have not been disputed by the respondents. In the reply, they have stated that the matter is still under consideration at Govt. level.

5. Learned counsel for the applicant has brought to our attention to the decision of the Chandigarh Bench of the Tribunal in the case of **Maston Singh & Others vs. Union of India & Others**, OA No. 399/2008 decided on 27.03.2009 whereby direction has been given to

the respondents to consider the claim of the applicant and pass necessary orders in the light of the decisions noticed in the judgment within a period of three months from the date of receipt of a copy of this order. Learned counsel for the applicant submits that he will be satisfied if these OAs are also decided in terms of the direction given by the Chandigarh Bench in the aforesaid cases.

6. In view of what has been stated above and fact that respondents have not taken any decision so far, we are of the view that these OAs can be disposed of in the light of the direction given by the Chandigarh Bench in the case of **Maston Singh & Others vs. Union of India & Others** (supra). Accordingly, the respondents are directed to consider the claim of the applicants and pass necessary order in the light of the judgment rendered by the Chandigarh Bench in the case of **Maston Singh & Others vs. Union of India & Others**, OA No. 399/2008 decided on 27.03.2009 and such decision shall be taken within a period of three months from the date of receipt of a copy of this order.

7. With these observations, the OAs ^{are also} disposed of accordingly with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.J. CHAUHAN)
MEMBER (J)

AHQ