

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 15th day of April, 2011

Original Application No. 147/2010

CORAM:

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

1. N.N.Kumhar
s/o Shri Jetha Ram,
r/o H.No.C-70, Todanagar,
at present employed on the post of
Accounts Officer in the office of
GMTD, BSNL,
Sikar.
2. Manna Ram Raigar
s/o Shri Laxman Ram,
r/o Piprali Road, Sikar,
at present employed on the post of
Accounts Officer in the office of
GMTD, BSNL, Sikar..

.. Applicants

(By Advocate: Shri C.B.Sharma)

Versus

1. Bharat Sanchar Nigam Ltd.
Through its Chairman & Managing Director,
Corporate Office, Bharat Sanchar Bhawan,
Harish Chandra Mathur Lane,
Janpath,
New Delhi
2. The Chief General Manager Telecommunication,
BSNL, Rajasthan Telecom Circle,
Sardar Patel Marg,
Jaipur

3. Shri Sanjivan Kumar,
General Manager Telecom District,
Bharat Sanchar Nigam Limited
(A Govt. of India Enterprises),
Basant Vihar,
Sikar.

.. Respondents

(By Advocate: Shri R.G.Gupta)

O R D E R (ORAL)

The present OA has been filed by the applicants who were transferred from office of GMTD, Pali and GMTD, Sriganganagar respectively to the office of GMTD Sikar vide order dated 13.7.2009 (Ann:A/3).

2. The brief facts of the case are that the applicants were continuously discharging their duties without any interruption at Sikar and they were never issued with any relieving order and subsequently the stay order came to be issued. They are also deputed as members to various departmental committees at Sikar and were paid their due salaries upto and for the month of September, 2009, but after grant of stay order in the case of applicant No.1 dated 28.10.2009, their salary was stopped. Thereafter the respondents issued 1/3rd of salary to the applicants which was also protested by both the applicants. The applicant were called explanation vide order dated 30.1.2010 as to why they have not taken 1/3rd of their salary.



3. Be that as it may, the only controversy involved in this OA is with regard to non-payment of salary which was later on reduced and only 1/3rd salary is paid to the applicants. The learned counsel appearing for the respondents failed to point out any reason or rhyme with regard to reduction in salary as neither the applicants were put under suspension nor any inquiry is pending. Further, perusal of Ann.A/1 reveals that respondents are pressing the applicants to get 1/3rd of their salary. As pointed out hereinabove and as the learned counsel appearing for the respondents failed to mention any provision under which reduction in salary was made, thus, in our considered view, action of the respondents is per-se illegal and contrary to the provisions. Consequently, the respondents are directed to make payment of salary to the applicants as admissible and further directed that this exercise shall be undertaken by the respondents expeditiously and not later than one month.

4. With these observations, the OA stands disposed of with no order as to costs.

Anil Kumar

(ANIL KUMAR)
Admv. Member

K. S. Rathore

(JUSTICE K.S.RATHORE)
Judl. Member

R/