

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 18th day of April, 2011

Original Application No. 172/2010

CORAM:

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

1. N.L.Meena
s/o Shri Khyali Ram Meena,
presently working on the post of
Sr. SDE Office of SDOT, Rajgarh,
Distt. Alwar r/o Vill. & Post Bhajera,
via Reni, Tehsil Rajgarh, Alwar.
2. N.S.Saini s/o Shri Prabhati Lal Saini
presently working on the post of
Sr. SDE Office at GMTD. Alwar,
Distt. Alwar r/o 2/57, Partap Bas,
Behind of Goasala, Alwar.
3. Shobha Ram s/o Shri Godha Ram,
presently working on the post of
Sr. SDE Office of GMTD Alwar,
Distt. Alwar r/o B-10, Hasan Khan,
Mewat Nagar, Alwar.

.. Applicants

(By Advocate: Shri S.S.Ola)

Versus

1. Union of India
Through the Chief General Manager
Telecom, Rajasthan Telecom Circle,
Jaipur
2. G.M.Telemc Division Alwar,
Distt. Alwar, Raj.
3. Chief Accounts Officer (TR)
BSNL O/o CGMT, Jaipur

.. Respondents

(By Advocate: Shri Vishnu Kant Sharma)

O R D E R (ORAL)

The present OA is directed against the letter dated 12.8.2009 (Ann.A/1) and 23.2.2010 (Ann.A/2) and by way of this OA, the applicants have prayed that the respondents may be directed to give the revised pay scale of Rs. 6500-10500 w.e.f. 1.1.1996., the date from which the officers of the erstwhile cadre of JTOs have been given this scale and further submitted that in view of the judgment rendered by the Hon'ble Himachal Pradesh High Court, Shimla dated 24.9.2008 in CWP No.262/200, R.L.Mahajan and others vs. Union of India and ors, the present OA be allowed in terms of the above judgment which was followed by the CAT-Chandigarh Bench and vide its order dated 18.11.2009 granted the same relief.

2. Per contra, the learned counsel appearing for the respondents submits that the present case is filed after a lapse of more than 4 years and it is to be dismissed on the ground of delay and latches.

3. Upon perusal of the orders impugned in this OA Ann.A/1 and Ann.A/2, it appears that way back in the year 1996 recovery of over payment on revision of pay of concerned ASTTS was being made w.e.f. 1.1.1996 and 9.2.1996. The cause of action was made available to the applicants in the year 1996, but admittedly this order of recovery has not been challenged and Ann.A/1 and A/2



are nothing but reminder letters issued by the Chief Accounts Officer (TR), BSNL O/o CGMT, Jaipur to the PGMTD, Jaipur, PGM (CMTS), JP, GMTD, Alwar/Bharatpur/Bhilwara/Banswara/Bikaner/Jodhpur/Jhunjhunu/Kota/Sikar/Sriganganagar/Sirohi, TDM, Bundi/Chittorgarh/Jasaipur, Dy. TTC, VKIA, Jaipur and DE CTSE, Jaipur for effecting recovery from the applicants and again reminder was sent vide Ann.A/2. Thus the present OA deserves to be dismissed only on the ground of delay in view of Section 21 of the Administrative Tribunals Act, 1985.

4. We have also perused the judgments rendered by the HP High Court, Shimla and the CAT-Chandigarh Bench. No doubt, the HP High Court, Shimla relying upon the judgment of the Hon'ble Apex Court in the case of State of U.P. and Anr. vs. Dr.M.J.Siddiqui (AIR 1980 SC 1098) set aside the Tribunal's order and allowed the writ petition and ordered that the petitioners be given the revised pay scale of Rs. 6500-10500 w.e.f. 1.1.1996, the date from which the officer of the erstwhile cadre of JTOs have been given this scale. The ratio decided by the HP High Court is fully applicable to the present case.

5. In view of the aforesaid discussions, we are of the view to give liberty to the applicants to represent before the respondents alongwith the judgment dated 24.9.2008 rendered by the HP High Court, Shimla in CWP No.262/2002 and CAT-Chandigarh Bench judgment 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 HP High Court and CAT-Chandigarh

A handwritten signature in black ink, appearing to be a stylized 'G' or 'J' followed by a diagonal line.

Bench and decide representations expeditiously, but in any case, not beyond the period of three months from the date of receipt of a copy of this order.

6. The OA stands disposed of in the above terms with no order as to costs

Anil Kumar.

(ANIL KUMAR)
Admv. Member

K.S.Rathore

(JUSTICE K.S.RATHORE)
Judl. Member

R/