

**Central Administrative Tribunal  
Principal Bench**

**OA No. 1038/2015**

New Delhi this the 25<sup>th</sup> day of July, 2016

**Hon'ble Dr. B.K. Sinha, Member (A)**

Suresh Kumar Mehra,  
S/o Shri Mam Chand Mehra,  
R/o House No. 1644,  
Sector 46, Gurgaon-122002  
Employed at TEC, New Delhi  
Working as Director, Age 46 Y

- Applicant

(Applicant in person)

VERSUS

Union of India through  
Its Secretary,  
Ministry of Communication & IT,  
Department of Telecommunication,  
Govt. of India, Sanchar Bhawan,  
New Delhi

- Respondents

(By Advocate: Mr. Y.P. Singh)

**ORDER** (Oral)

Heard applicant, who is appearing in person. He has submitted that he belongs to IP&T (BWS), who was appointed initially for the post of Assistant Executive Engineer (E) in the Department of Telecommunication. He was, in course of time, promoted to the post of Superintending Engineer on 08.04.2004 and was repatriated to the TEC, New Delhi, as he had not exercised his option for absorption in BSNL/MTNL. Now he has claimed payment of headquarters allowance at par with

other Group 'A' JAG officers of the department. He has also claimed interest of 9% on the arrears.

2. The twin grounds adopted by the applicant include that he is a JAG (NFSG) Group 'A' Officer of the Department of Telecommunication and, therefore, eligible for payment of Headquarter Allowance w.e.f. 22.11.2011 along with other Group 'A' officers of the Department. Non-payment of this allowance to him is discriminatory and therefore, violative of Article 14 of the Constitution.

3. The learned counsel for the respondents drew the attention of the Tribunal to Paras 7 and 8 of his counter affidavit wherein it has been stated that all ITS Group A officers repatriated up to the level of JAG working I TEC, including those entrusted with broad functional responsibilities are being paid Headquarter Allowance with effect from the date of their respective joining. However, in the case of DOT HQ, payment of this allowance is not being made to the ITS officers who have been entrusted with broad functional responsibilities. There have been representations to this effect by ITS officers and the matter is under consideration. Counter affidavit further states in para 1 that earlier in OA No. 2803/2014, this Tribunal had issued instructions to dispose of the representation of similarly placed officer – one Sanjay Gupta. The applicant

and the said Sanjay Gupta both belong to Electrical wing of P&T Building Works, Group 'A' Service (P&T BWS).

4. The applicant further drew the attention of this Tribunal to Annexure A/6 of his OA wherein representation of the said Sanjay Gupta dated 25.07.2014 regarding payment of Headquarter Allowance was rejected.

5. It appears from the perusal of this Annexure, i.e. Annexure A/6 that there was a process of absorption of the optees for BSNL/MTNL. The cadre review is under progress in respect of those who had elected to stay behind and not to join these two organizations. For the sake of greater clarity, the relevant paras of the order dated 06.01.2016 in respect of the said Sanjay Gupta are being reproduced as below:-

"c) Consequent upon completion of the absorption process, vide DoT order No.A-11013/64/2012-Abs.Cell(I) dated 11.03.2013 and as per the approval of Cabinet, Department to undertake & complete the cadre review proposal and to utilize the services of Group 'A' repatriated officers of P&T BW (Gr.A) remained in Government. After completion of the absorption process in March 2013, the posts that remained in Government cadre strength have been temporarily attached to DoT, TEC, Hq. NTIPRIT and State TERM Cell Units. After the approval of revised sanctioned strength/the cadre review proposal submitted to DoPT, the actual posts based on the functional justification (post BSNL formation) shall be made known.

d) The officers, who are in excess of revised strength shall be declared surplus as per DoP&T extant rules/instructions. Till the cadre review

proposal is completed, as an interim arrangement the repatriated officers/including Shri Sanjay Gupta, the applicant, were attached to TEC, New Delhi.

e) Shri Sanjay Gupta a repatriated officer of P&T Building Works Service, was attached to TEC is not against the specific sanctioned post of TEC, and hence is not eligible for grant of the Head Quarter Allowance.”

6. Learned counsel for the respondents has been at pains to emphasize that once the cadre review had been completed, it shall be possible for the Department to take a view regarding claims for the payment of Headquarter Allowance of the applicant and other similarly placed persons.

7. In view of the above assertion of the respondents, it is clear that the case of the applicant is premature. Here we feel that the case as to the payment of Headquarter Allowance should be looked at as independent of cadre review, as these are two different matters. The respondents are, therefore, directed to take a final decision on the claim of the applicant for Headquarter Allowance by means of a reasoned order, within a period of three months from the date of production of a certified copy of this order. Accordingly, the OA is disposed of. No order as to costs.

**(Dr. B.K. Sinha)  
Member (A)**

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