

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH : BANGALORE

ORIGINAL APPLICATION No. 170/00257/2017

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ORIGINAL APPLICATION No. 170/00258/2017

TODAY, THIS THE 08th DAY OF OCTOBER, 2018

**HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE SHRI DINESH SHARMA, ADMINISTRATIVE MEMBER**

1. O.A. No. 257/2017

C. Rangaswamy,
S/o Chikkaranganaika,
Aged 59 years,
Working as Sub-Divisional Engineer (A/T),
BSNL, Telephone Exchange,
Nazarabad, Mysuru – 570 010
Residing at Ambale (V&P),
Yelandur Taluk,
Chamarajanagar District – 571 441

(By Advocate Shri A.R. Holla)

Vs.

1. The Bharat Sanchar Nigam Ltd.,
Corporate Office,
4th Floor, Bharat Sanchar Bhavan,
H.C. Mathur Lane, Janpath,
New Delhi – 110 001,
By its Chairman & Managing Director.
2. The Chief General Manager, Telecom,
Karnataka Circle,
No. 1, Swamy Vivekananda Road,
Halasuru, Bengaluru – 560 008
3. The General Manager, Telecom,
BSNL, Mysuru Telecom District,
Jayalakshmpuram,
Mysuru – 570 012.
4. The Accounts Officer (A&P),
O/o The General Manager, Telecom,
BSNL, Mysuru Telecom District,
Jayalakshmpuram,
Mysuru – 570 012.

(By Shri V.N. Holla, Senior Panel Counsel)

2. O.A. No. 258/2017

K. Bangaru
 S/o P.K. Naik,
 Aged 59 years,
 Working as Sub-Divisional Engineer,
 O/o The Divisional Engineer, Telecom,
 Lakshmiapuram, Mysuru – 570 004
 Residing at Telecom Quarters No. E-7,
 T.K. Layout, Saraswathipuram,
 Mysuru – 570 009

(By Advocate Shri A.R. Holla)

Vs.

1. The Bharat Sanchar Nigam Ltd.,
 Corporate Office,
 4th Floor, Bharat Sanchar Bhavan,
 H.C. Mathur Lane, Janpath,
 New Delhi – 110 001,
 By its Chairman & Managing Director.
2. The Chief General Manager, Telecom,
 Karnataka Circle,
 No. 1, Swamy Vivekananda Road,
 Halasuru, Bengaluru – 560 008
3. The General Manager, Telecom,
 BSNL, Mysuru Telecom District,
 Jayalakshmiapuram,
 Mysuru – 570 012.
4. The Accounts Officer (A&P),
 O/o The General Manager, Telecom,
 BSNL, Mysuru Telecom District,
 Jayalakshmiapuram,
 Mysuru – 570 012.

(By Shri V.N. Holla, Senior Panel Counsel)

O R D E R

Hon'ble Shri Dinesh Sharma, Administrative Member

Since the issue involved in both O.A. Nos. 257/2017 and 258/2017 is the same, these are being disposed off by the following order:

2. The facts of the case, in brief, are as follows:

3. The applicants got their pay revised by orders of the BSNL dated 02.01.2017 (Annexure A-9 in both the O.As). These orders were later revised to the detriment of the applicants (by order dated 07.04.2017 in O.A. No. 258/2017, and order dated 25.04.2017 in O.A. No. 257/2017). The applicants have requested for quashing these later orders as being unjustified. The applicants have also alleged that this change was done without giving them an opportunity of being heard and on applicants' representations against the later order they have been told (Annexure A-12 in both O.As) that the said orders are to correct the overpayment which resulted due to erroneous fixing in the earlier order.

4. The respondents have denied the claim of the applicants. They have alleged that there was an error in the order dated 02.01.2017. The mistake occurred because the rate of pay for the purpose of fixation of pay was taken as 12175/- instead of 11875/- (in the pre-revised scale of Rs. 11875-300-17275). The reason for the mistake was that the applicants had opted for effecting their promotion from the date of their increment and, therefore, before this date of increment, their pay should have been considered in the pre-revised pay scale. The applicants could not have been given a double benefit of both changing the date of effect of promotion and yet giving an increment in the scale before date of promotion.

5. Both the parties have also filed their written arguments. The applicants in their written arguments have, besides reiterating their earlier case, quoted the fixation statement of Smt. M.A. Kamalakshi dated 30.04.2016,

which the applicants claim to be similar to Annexure A-9 (the first fixation statement which was later revised).

6. After going through the pleadings and hearing the arguments, it is clear that the subject matter of the contention in the 2 O.As here are the orders by the BSNL dated 7.4.2017 and 25.04.2017 revising their calculation about the fixation of pay for the applicants which was done (with retrospective effect) on 2.1.2017. This “correction”, was admittedly done within a few months of the “mistake”. The respondents have explained the reasons for the correction and the applicants have not been able to seriously controvert these reasons except by quoting another case of an employee of BSNL, namely Smt. M.A. Kamalakshi. Though the applicants have claimed that their case is similar to hers, this alone does not entitle them to claim similar benefits since, if it is an error, it need not be repeated. Since the respondents have given clear and understandable reasons for the revision of pay fixation made earlier, we see no reason to interfere with these orders. The O.As are therefore, dismissed. No orders as to costs.

**(DINESH SHARMA)
ADMINISTRATIVE MEMBER**

**(DR. K.B. SURESH)
JUDICIAL MEMBER**

Cvr.

Annexures referred to in O.A. No. 170/00257/2017

Annexure-A1: Copy of the order dated 31.07.2007
Annexure-A2: Copy of the circular dated 05.03.2009
Annexure-A3: Copy of the order dated 01.02.2012
Annexure-A4: Copy of the order dated 15.05.2012
Annexure-A5: Copy of the order dated 07.02.2014
Annexure-A6: Copy of the order dated 06.01.2016
Annexure-A7: Copy of the order dated 19.01.2016
Annexure-A8: Copy of the order dated 04.04.2016
Annexure-A9: Copy of the order dated 02.01.2017
Annexure-A10: Copy of the order dated 25.04.2017
Annexure-A11: Copy of the applicant's representation dated 04.05.2017
Annexure-A12: Copy of the order dated 11.05.2017
Annexure-A13: Copy of the order dated 17.05.2017

Annexures with reply statement

Annexure-R1: Copy of the BSNL, Mysore pay fixation memo
dated 20.07.2013
Annexure-R2: Copy of the BSNL, Mysore pay fixation memo
dated 31.03.2012
Annexure-R3: Copy of the pay revision clarifications dated 31.03.2009
Annexure-R4: Copy of the BSNL pay fixation memo dated 07.05.2012
Annexure-R5: Copy of the BSNL, Mysore pay fixation memo
dated 24.08.2017

Annexures referred in O.A. No. 170/00258/2017

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Annexure-R5: Copy of the BSNL, Mysore pay fixation memo
dated 07.04.2017

