

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00880/2016

DATED THIS THE 04TH DAY OF SEPTEMBER, 2018.

HON'BLE DR K B SURESHMEMBER (J)

HON'BLE SHRI C.V. SANKARMEMBER (A)

Sri Mohanavelu. K,
S/o V.G. Krishnaswamy,
Aged about 61years,
Retired Senior Telegraph Master
Planning – Accounts, BSNL,
Vellore and presently residing at
No.3/85, First Floor, 1st Cross,
Shanimahatma Temple Road,
Devasandra, K.R. Puram,
Bangalore – 560 036.

...Applicant

(By Advocate Shri. B.B. Bajentri)

V/s.

1. Union of India,
Represented by its Secretary,
Ministry of Communications,
Department of Telecommunications,
Sanchar Bhavan, No.20,
Ashoka Road,
New Delhi – 110 001.
2. The Chairman & Managing Director,
Bharat Sanchar Nigam Limited,
Corporate Office,
H.C.Mathur Lane,
New Delhi – 110 001,
3. The Chief General Manager,
Tamil Nadu Circle,
BSNL No.16, Greams Road,
Chennai – 600 006,
Tamil Nadu.
4. The Controller of Communication Accounts,
O/o. The Principal Controller of Communication Accounts,
Department of Telecommunications,

No. 238, R.K. Mutt Road,
Chennai – 600 028,
Tamil Nadu.

5. The General Manager,
BSNL, BSNL Bhavan,
Infantry Road, Alankar Theater,
Vellore-632001,
Tamil Nadu.

...Respondents

(By Shri.Vishnu Bhat, Sr. Panel Counsel for R-2,3 & 5
Shri. Gajendra Vasu, Sr. Panel Counsel for R-1)

O R D E R (ORAL)

HON'BLE DR K.B. SURESH, MEMBER(J)

Heard. This is a curious case in which non-executive employees claim parity with executives. There are fundamental difference in work structure, method of work and elements of functioning between non-executives and executives and there cannot be any parity, even though the Trade Unions are espousing the case of non-executives and BSNL is now requesting that they may be allowed to examine the representation. Such a contention will not lie, as there cannot be equality in illegality. There is no equality between non-executives and executives and it cannot therefore be done.

2. OA dismissed. No order as to costs.

(C.V. SANKAR)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER(J)

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Annexures referred to by the Applicant in OA. 880/2016

Annexure A-1: Copy of the OM dated 26.11.2008.

Annexure A-2: Copy of the Central Civil Services (Revised Pay) Rules, 2008.

Annexure A-3: Copy of the OM dated 2.4.2009.

Annexure A-4: Copy of the Office Order dated 7.5.2010.

Annexure A-5: Copy of the communication of the 2nd respondent dated 8.7.2013.

Annexure A-6: Copy of the representation dated 19.7.2013.

Annexure A-7: Copy of the representation dated 6.1.2014.

Annexure A-8: Copy of the reminder dated 15.4.2015.

Annexure A-9: Copy of the proposal submitted by the Union.

Annexure A-10: Copy of the communication dated 4.9.2013.

Annexures referred to by the Respondents in the Reply – Nil.

Annexures referred to by the Applicant in the Rejoinder

Annexure A-15: Copy of the order dated 18.2.2013.

Annexure A-16: Copy of the order dated 4.5.2009.

Annexure A-17: Copy of the office order dated 9.12.2013.

Annexure A-18: Copy of the communication dated 01.06.2017.

Annexure A-19: Copy of the Government order dated 2.4.2009.

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