TELECOM ACCOUNTS ASSOCIATION , INDIA

(REGISTRATION UNDER THE SOCIETIES ACT XXI OF 1860)

U. P. TELECOM CIRCLE , LUCKNOW

SS-1/388 Sector D-1 LDA coloney
Kanpur road Lucknow-226012

UP/TAAI/01/2016

Date : 16/05/2016

To-

(1}The Secretary, Ministry of Communication, Telcom Deptt.
Sanchar Bhawan 20, Ashoka road New Delhi 110001

(2)The Chairman & Managing Director,Bharat Sanchar Nigam Ltd.
1,Harish Chandra Mathur Lane Janpath New Delhi 110001

Sub-Implementation of Hon,ble CAT Lucknow Order TA No.14 of 2012 in W.P. No.3579/2005 dated 5th May,2016 Regarding Absorption of Senior Accountants in Executive Group (Group B) w.e.f.01.10.2000.

Respected Sir,

Kindly find enclosed herewith order passed by Hon,ble CAT Lucknow on direction of High Court Lucknow in W.P.No.3579/2005 vide T.A.No.14 of 2012 dated 5th May 2016 . Hon,ble CAT Lucknow in his order instruct to allow Senior Accountants absorption as laid down in D.O.T. order No.27-1/2001-SNG dated 28-08-2002 and their modalities for seeking absorption as laid down in latter dated 14-01-2002 in Executive Group notionally w.e.f. 01-10-2000 & with all consequential benefits w.e.f.19-02-2003 with affirm their inclusion in Group B category as was applicable to all posts falling in the grade .

It is, therefore, requested kindly order to allow implementation of order passed by Hon,ble CAT Lucknow in T.A. No.14 of 2012 in W.P.No.3579/2005 dated 5th May 2016 for their long pending genuine demand of Senior Accountants.

Thanking You.

Encl.10(Order+9)

Your Sincerely

(H.K.Mishra)

Circle Secretary
Mob.9415037575/9415187501

Copy to- Shri Satya Narain Bhardwaj General Secretary/Vice President TAAI H.N0.A-307,Ground Floor,Gali No.4,South City-1,Gurgoan-122001 (Haryana)

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

(5)

T.A No. 14 of 2012
in
W.P No. 3579/2005

Reserved on 11.04.2016.
Pronounced on 5th May, 2016

Hon'ble Mr. Navneet Kumar, Member – J
Hon'ble Ms. Jayati Chandra, Member - A

1. Harendra Kumar Mishra, aged about 49 years, S/o Late Shiv Kumar Mishra, R/o House No. 346, Rajendra Nagar, Lucknow.

2. A.K. Savita, aged about 45 years, S/o Late S.N. Savita, R/o H. No. 570/90/16-C, Fauzi Colony, Azad Nagar, Alambagh, Lucknow.

Sri Pati aged about 45 years, S/o Sri Kishore Prasad, R/o H. No. 2/256, Indira Nagar, Lucknow.

M.S. Beg, aged about 40 years, S/o Late Mirza Husain Beg, R/o H. No. Type III/27-B, BSNL Colony, Rajajipuram, Lucknow.

5. S.S. Mishra, aged about 44 years, S/o Sri Mata Prasad Mishra R/o H. No. 1.589 Vishal Khand Gomti Nagar, Lucknow.

6. L.S. Laspal aged about 47 years, S/o Late P.S. Laspal, R/o H. No. 4/949, Vikas Nagar, Lucknow.

7. L.S. Sharma, aged about 46 years, S/o Late S.P. Sharma, R/o Lane No. 5, Pawanpuri, Alambagh, Lucknow.

8. S.K. Srivastava, aged about 45 years S/o Late N.P. Srivastava, R/o H. No. 5/1110, Viram Khand, Gomti Nagar, Lucknow.

9. Smt. Kanti Singh, aged about 43 years W/o Late K. Singh, R/o H. No. G-28, Sanjay Gandhi Puram, Faizabad Road, Lucknow.

10. Manoj Kumar Bhargawa aged about 47 years, S/o Late Daya Ram Prajapati, R/o H. No. ED-1/654 Sector D-1, LDA Colony, Kanpur Road, Lucknow.

11. Vinod Kumar Satyarthi, aged about 43 years S/o Late Tilak Ram, R/o H. No. 10/449, Indira Nagar, Lucknow.

12. Vishram Verma, aged about 54 years, S/o Sri Ujagar Lal, R/o H. No. 75, Manas Vihar, Sarvodaya Nagar, Lucknow.

13. Amarnath Singh, aged about 52 years, S/o Late Gopal Singh, R/o H. No. 4, Manas Vihar, Indira Nagar, Lucknow.

14. D.S.L. Srivastava, aged about 53 years, S/o Late Raj Narain Lal Srivastava, R/o H. NO. 67, Ashutosh Nagar, Krishna Nagar, Lucknow.

16. Syed M.H. Zaidi, aged about 54 years, S/o Late S.M. Husain, R/o H. No. 46/11, Banjara Tola Victoria Street Lucknow.

17. P. Raghav, aged about 53 years, S/o Sri B. Ram, R/o H No. 2781, Shakti Nagar, Lucknow.

18. Mohd. Afaq aged about 53 years, S/o Late Mohd. Ilyas, R/o H. No. 532/579/18, Chaudhary Tola, Aliganj, Lucknow.

19. K.D. Ram, aged about 55 years, S/o Late Sabhajeet Ram, R/o H. No. D-3153, Indira Nagar, Lucknow.

20. Vikram Prasad, aged about 54 years, S/o Late Chhangu Ram R/o Village and Post Kundai Niwat Ali District Ballia.

21. Kripa Shanker Dixit, about about 56 years S/o Late B.N. Dixit, R/o H. NO. 61/15, Tilpurwa Husain Ganj, Lucknow.

22. Angu Prasad, aged about 50 years, S/o Late Lalu Prasad, R/o H. No. DSE-716, Sector C, Sitapur Road Yojana, Jankipuram, Lucknow.

23. Mahesh Kumar, aged about 32 years, S/o Late Darshan Kumar, R/o H. No. L-VI/60, Sector N Aliganj, Lucknow.

24. Mumtaj Ahmad, aged about 56 years, S/o Late Mohd. Shukurullah, R/o H. No. 22/338, Indira Nagar, Lucknow.

25. Mohd. Irfan, aged about 43 years, S/o Late Ashfaq Husain, R/o Sabik Bhadewa, Quazi Manzil, Lucknow.

26. Pratap Singh, aged about 50 years, S/o Sri Summi, R/o H. No. 192-Kha (near Peerbagh Colony) Shakti Nagar, Lucknow.

27. Suleman Khan aged about 47 years, S/o Late Raja Hasan, R/o H. No. 20/10, Jushi Lal Colony, Kanpur.

28. Shiv Kumar aged about 38 years S/o Late Mohan Lal, R/o H. No. 8/705, Vikas Nagar, Lucknow.

29. Sudama Maurya aged about 48 years, S/o Shri Neur Prasad, R/o H. No. 245, Shekhu Pura Colony, Aliganj, Lucknow.

30. Shyam Kishore Shukla, aged about 41 years, S/o Shri K.K. Shukla, R/o H. No. 1/1/13, Jiamau Colony, Hazratganj, Lucknow.

31. Jeevan Deep Sharma, aged about 41 years, S/o Late G.S. Sharma, R/o H. No. 554/37-G/5-E/1, Gali No. 6, Pawanpuri Alambagh, Lucknow.

32. Ram Chandra Tripathi, aged about 51 years, S/o Sri Ram Suat Tripathi, R/o H. No. 55-1/543, Sector D, LDA colony, Kanpur Road, Lucknow.

33. Ram Prasad aged about 54 years, S/o Shri Gholar Ram Verma, R/o H. No. 532-Kha/178, Mehandi Tola, Aliganj, Lucknow.

74. R.K. Rawat , aged about 39 years, son of Late Ram Pal, R/o Rajapur, Hanuman Mandir Wali Gali, Allahabad.

75. S.K. Mishra aged about 47 years, son of Sri Shiv Shankar Mishra, R/o H. No. N-9/38G, Sant Gopal Nagar, Patia District – Varanasi.

76. B.B. Sinha, aged about 43 years, son of Late Sri Lalit Mohan Prasad Sinha, R/o H. No. 18/11 Kabir Nagar, Durga Kudn, Varanasi.

77. A.P. Singh aged about 50 years, son of Late Sri Bhagwat Singh, R/o Shri Ram Chandra Nagar, Lucknow.

By Advocate: Sri Praveen Kumar ..... Applicant

VERSUS

1. Union of India through Ministry of Personnel Public Grievance and Pension, Govt. of India, New Delhi.

2. Secretary, Ministry of Communication, Telecom Department, Sanchar Bhawan, New Delhi.

3. Chairman & Managing Director, Bharat Sanchar Nigam Ltd. Statesman Building, New Delhi.

4. Chief General Manager (Telecom) Bharat Sanchar Nigam Ltd. Eastern U.P. Circle, Hazratganj, Lucknow.

By Advocate: Sri RPS Chauhan
Sri Rajendra Singh ..... Respondents

ORDER

Delivered by: **Hon'ble Ms. Jayati Chandra, Member - A**

By means of this O.A filed under Section 19 of the Administrative Tribunals Act, the applicant has prayed for the following reliefs:

(i) to issue a writ order or direction in the nature of mandamus commanding the respondents to grant IDA pay scale of Rs. 7830-12430 w.e.f. 01.10.2000 and IDA pay scale RS. 9850-14, 600 w.e.f. 02.01.2003 to the petitioners.

(ii) To issue a writ, order or direction in the nature of mandamus commanding the respondents to grant IDA Pay scale to petitioners i.e. Senior Accountants of Bharat Sanchar Nigam Limited treating the post of Senior Accountant as Group 'B' non gazetted.

(iii) To issue a writ order or direction in the nature of mandamus commanding the respondents to grant parity to petitioners with Assistants of Central Secretariat Service from 01.04.1987.

(iv) To issue a writ order or direction in the nature of mandamus commanding the respondents to pay arrears of salary of IDA pay scale to petitioners.

(v) To pass any other suitable order or direction which is deeded just and proper in the circumstances of the case.

(vi) To allow the writ petition with cost.

2. The case of the applicants is that they are working as Senior Accountants in Class III posts. Some of the applicants were initially appointed as Telecom Accounts Clerk (TAC) and some were designated as Telephone Accounts Clerk (SG) and thereafter re-designated as Upper Divisional Clerk (SG). Some petitioners were initially appointed as Lower Divisional Clerk (LDC) and were subsequently promoted as Upper Divisional Clerk (UDC).

3. A new cadre of senior Accountants in the pay scale of Rs. 1400-2600/- was created w.e.f. 01.04.1987. The Assistants and Stenographers of the Central Secretariat Service (CSS) were also granted the pay scale of Rs. 1400-2600/- w.e.f. the same date. The IV Pay Commission recommended that all the categories of post Class III in the scale of Rs. 425-800, 440-750, 470-750 may be grouped together and given the pay scale of Rs. 1400-2600/- as all the duties and responsibilities of these posts were similar and further appointment/ promotion were made from more or less similar levels. Thus, as per the recommendations of the IV Central Pay Commission (CPC) all posts in the pay scale of Rs. 1400-2600/- are treated at par. This recommendation was accepted by the Government and implemented w.e.f. 01.01.1986. The pay scale of Rs. 1400-2600 was revised to Rs. 1640-2900 for post of Assistant Grade of Central Secretariat Services (CSS) and Group 'C' Stenographer of Central Secretariat Stenographer Services (CSSS) vide G.O. dated 31.07.1990 (Annexure A-1). The employees of O/o Accountants General (Audit) Assam, Meghalaya and Comptroller and Auditor General of India filed separate O.A before the Guwahati Bench of this Tribunal and Chandigarh Bench seeking parity with Assistants of CSS and Stenographers of CSSS. These O.As were finally allowed. The 5th CPC recommended through Ministry of Finance to examine the matter of pay parity and any discrepancies were to be put before the Anomaly Committee (Annexure A-3).

4. The applicants were initially appointed in the Ministry of Telecommunication. The Bharat Sanchar Nigam Ltd. (BSNL) was formed w.e.f. 01.10.2000 and services of all employees including the applicants were transferred to BSNL. BSNL issued circular dated 02.01.2001 laying down terms and condition of absorption of Group 'C' and 'D' staff

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(Annexure A-2). Clause VII of the said circular also envisaged change from CDA to IDA pay scale.

5. The applicants through their representations at Annexure A-4 dated 10.03.1997 sought pay parity with the assistants and stenographer of CSS & CSSS in the pay scale of Rs. 1640-2900/- as per recommendation of Vth CPC. When the respondents did not take any decision, the applicants filed the O.A No. 558/2002 before the Lucknow Bench of this Tribunal. The said O.A was disposed of by order dated 14.11.2002 by which respondents were directed to decide the representations of the applicants. In compliance of the order, the Govt. of India, Ministry of Communication by order dated 14.07.2003 granted pay scale of Rs. 5500-9000 (revised) to the senior Accountants i.e. applicants. This pay scale is equal to the Assistants of CSS (Annexure A-5). Thus, the applicants are entitled to parity with Assistant of CSS.

6. The Ministry of Communication, Department of Telecom granted pay scale of Rs. 7830-12,430 as replacement for the CDA pay scale of RS. 5500-9000 to the Assistants of CSS in BSNL (Annexure A-7). The BSNL also by order dated 06.08.2004 granted similar IDA pay scale to the Assistant of CSS (Annexure A-8). The applicants were deprived of the IDA pay scale despite the fact that they had already been granted pay parity with Assistants of CSS vide order dated 14.07.2003. The applicants are entitled to the pay parity with Assistants of CSS, and by the fact of their absorption in the BSNL, they are entitled to IDA pay scale as granted to the Assistants of CSS. Hence this O.A is filed.

7. The respondents through their CA and supplementary CA stated that BSNL was formed w.e.f 01.10.2000. At the time of formation of BSNL, the entire staff was categorised into two groups namely executive and non executive. Group A & B posts were classified as executive whereas Group C & D were classified as non executive posts. The Assistants of CSS having been in Group B service as per Govt. of India classification have been classified as executive and Senior Accountants having been in the Group C have been classified as non-executive. Also the Central DA (CDA) has been replaced by Industrial DA (IDA) on various pay scales subsequently as per Bipartite settlement with the Trade Union Federations. Thus, IDA pay scales in BSNL are different from CDA pay scale in Central Govt. This classification to executive and non executive has resulted in posts which were in the same CDA pattern pay scales falling in different categories in BSNL. The post of Senior Accountant being in the non-executive category in BSNL have been

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corresponding IDA pattern pay scale given to non-executive employees in replacement to the CDA pay scale of Rs. 7800-11,175 w.e.f. 01.10.2000. The corresponding IDA pay scale given to executive employees in replacement of CDA pay scale is Rs. 7830-12430. This difference in pay scale is a matter of policy. Further, there is no equivalency between post of Assistant and Accountants. The nature of work performed by the Senior Accounts is purely related to account matter and is different from the work performed by Assistants of CSS which relates to in-depth examination and analysis of policy and administration related matters.

8. The respondents have further stated that Assistant and stenographers of CSS were granted pay scale of Rs. 1640-2900 w.e.f. 01.01.1986 whereas Senior Accountants in the department of Telecommunication were created w.e.f. 01.04.1987 and accordingly granted pay scale of Rs. 1400-2600 w.e.f. 01.04.1987 only. Being employees of BSNL they cannot get the benefit of any order that relates to employees of O/o Accountants General (Audit) Assam, Meghalaya and Comptroller and Auditor General of India.

9. As per DoT letter dated 14.07.2003, it was agreed to upgrade the pay scale of Senior Accountants from Rs. 5000-8000 to Rs. 5500-9000 as per Department of Expenditure O.M. dated 28.02.2003 and the same was made effective from 01.01.1996 on material basis and from 19.02.2003 on actual basis. It further stated that Government had approved grant of higher pay scale to the Accounts staff keeping in view the fact that pay scales of corresponding categories in various organised accounts cadres have traditionally been at par. It was decided that the dispensation approved in the case of Accounts Staff Railways may be extended to the corresponding categories in all the organised Accounts cadre on notional basis w.e.f. 01.01.1996 with actual payments being made w.e.f. 19.02.2003 as under:-

Designation	Pay Scale Prior to 1.1.1996	Existing pay scale	Upgraded Pay scale
Senior Accountant	1400-2600	5000-8000	5500-9000

10. BSNL vide its O.M. dated 07.04.2004 ordered upgradation of pay scales of Senior Accountants working in BSNL from Rs. 5000-8000 to RS 5500-9000 w.e.f. 1.1.1996 on notional basis and w.e.f. 19.02.2003 on actual basis in pursuant to Govt. of India, Ministry of Finance, DoE O.M. dated 28.02.2003 at par with Accounts staff of Railways.

The respondents further stated that on completion of absorption process in respect of Group B employees of Department of Telecom, DTS, DTO in BSNL, IDA pattern pay scales in replacement of relevant CDA pattern pay scales for these executive category of employees were issued vide order dated 18.03.2004. The IDA pattern pay scale in replacement of CDA pattern pay scale of Rs. 5500-9000 was in advertently left out of inclusion in the said order. However, a mention to this effect was made in the order dated 18.03.2004 that IDA pattern pay scale in replacement of said CDA pattern pay scale will be issued subsequently. In this matter, the copy of the BSNL order dated 12.04.2004 filed with supplementary counter (Annexure SA-2) reveals that Management Committee of BSNL Board had approved revision of pay scale in respect of Jr. Accountants and Senior Accountants as per following:

Designation	Pay Scale prior to 01.01.96 (CDA Scale)	Existing pay scale (CDA Scale)	Pay scale to be extended notionally w.e.f. 01.01.96 with actual payment being made from 19.02.2003 (CDA Scale)
Junior Accountant	Rs. 1200-30-1560-40-2040.	Rs. 4000-100-6000	Rs. 4500-125-7000
Senior Accountant	Rs. 1400-40-1600-50-2300-60-2600	Rs. 5000-150-8000	Rs. 5500-175-9000

Accordingly, IDA pattern pay scale of Rs. 7830-12430 was sanctioned by BSNL in replacement of CDA pay scale of Rs. 5500-9000 for its executive category of employees in consultation with the DoT and DPE, vide order dated 06.08.2004. It was applicable to Assistant P.As and JAO's in BSNL and was effective w.e.f. 01.10.2000. The Senior Accountants, as has been mentioned in Para 7 above, being in the non-executive category have not been extended the same benefits.

12. Rejoinder has been filed by the applicants wherein it has been stated that the applicants were based in category Ç as they were in the pay scale of Rs. 5000-8000 at the time of formation of BSNL. The applicants agitated their right regarding grant of pay scale of Rs. 5500-9000 on par with Assistants of CSS and they were granted pay parity in the pay scale of Rs. 5500-9000 by order dated 14.07.2003 (Annexure A-5). The order dated 26.10.1998 of the O/o Comptroller and Auditor General of India and notification dated 20.04.1998 of Ministry of Personnel, Public Grievances & Pension clearly stipulate that the person borne on a grade having Rs. 9000 or above and less than Rs. 13500 as the maximum shall be classified and considered as holding Group B

posts (Annexure RA 1 & 2). Thus the applicants became entitled to benefits and status of Group B posts.

13. The respondents too, while calling for options for absorption of Group B officers in BSNL vide letter dated 14.01.2002 followed the same stipulation that is grades having a maximum of Rs. 9000 or above but having less than Rs. 13500 being considered as Group B. However, those officials who are placed in grade of Rs. 13550-9000 or higher due to OTBP/BCR/Grade IV/ACP/Ad-hoc promotion/time bound advancement schemes etc. are not considered group B. Similar policy instructions are incorporated in the Ministry of Communication (DoT) letter dated 13.11.2001 (Annexure RA-4) on the subject of absorption in BSNL and the same was adopted by BSNL by their letter dated 28.08.2002 (Annexure RA-5).

14. We have heard the learned counsel for the parties and have perused the records on file.

15. The applicants have basically sought benefit of the IDA pay scale of Rs. 7830-12430 w.e.f. 01.10.2000 and Rs. 9850-14600 w.e.f. 02.01.2003 on the grounds of :

(a) Pay parity with Assistants of CSS who were absorbed as Group 'B' non-gazetted officers in BSNL and;

(b) being entitled to be included as Group 'B' non gazetted officers.

They have separately sought parity with Assistants of CSS w.e.f 01.04.1987.

16. The applicants variously have averred that such parity has already been granted to them which is contradictory as by relief No. (iii) they have sought the same. The documents which have been produced in support of any claims demonstrate that the issue is yet to be decided. The applicants have annexed an Annexure A-3 stating to be an extract from VI CPC recommendations but this particular fact is not head noted anywhere. Be as it may be, the same extract relates to posts in the Indian Audit and Account Department and even then have while referring to O.A No. 45/1992 and O.A No. 1161-11/1994 filed before the Guwahati and Chandigarh Benches of this Tribunal (a reference to which has been made in the O.A) states following:

"The Bench, however, refrained from granting any specific relief to the petitioners and felt instead that they would be better advised to

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leave the matter for a fresh and proper decision in the interest of justice by the respondents without postponing the issue till our report was available. This was in consideration of the fact that the Supreme Court had observed in similar matters that it was not for the Courts of the Tribunal to give a direction for granting pay scales and that it would be proper to leave that matter to the Government themselves".

And again in Para 102.18 of the same document the following is stated:

"Moreover as has been rightly pointed out by the Joint Acton Committee our recommendations on scale of pay will have only prospective effect. We have separately clarified to Government that it is not our intention to reopen past cases or to rectify retrospectively anomalies that might have arisen in the past and that these will necessarily have to be considered only by the Government themselves. We would therefore, refrain from making any specific recommendations in this regard. Since the demand primarily relates to rectification of a past anomaly, it would be more appropriate in our view, if the entire matter is examined afresh by the anomalies Committee".

17. The order dated 14.07.2003 while approving the pay scale of Rs. 5500-9000 does not grant parity between Senior Accountants in BSNL and Assistants in CSS. By O.M. dated 17.04.1996 (Annexure RA-7) a reference was made to the Secretary, Expenditure, Ministry of Finance by the Ministry of Communication Department to consider the representation of the employees who were seeking the same parity but the decision of the M/o Finance in this regard has not been provided. BSNL in its order dated 14.04.2004 while discussing the matter of parity of pay scale at par with Assistant of CSS in compliance of order passed in O.A No. 558/2002 states the following:

"6. The demand of the applicants for grant of higher scale from the date of promotion to the cadre of Senior Accountants or retrospectively form 01-01-86 could not be acceded to in view of the order dated 03.06.2003 of the Hon'ble CAT, Principal Bench, New Delhi in O.A No. 57/2003 arising out of O.A No. 1764/2002 wherein it has been specifically stated that the orders of Hon'ble CAT, Guwahati Bench in O.A No. 85/2000 and Principal Bench, New Delhi in O.A No. 1764/2002 do not make it incumbent to the Govt. to grant the higher pay scales to the applicants retrospectively w.e.f. 01.01.86. The Hon'ble Supreme Court, New Delhi by their order

dated 03.09.2003 in SLP No. CC 5803/2003 have only directed for grant of the revised pay scales as per Deptt. Of Expenditure O.M. dated 28.02.2003".

18. The Hon'ble Supreme Court in a catena of cases eg. Baidyanath Mukherjee Vs Vivekananda Goswami, 2000(2) SLR 315 has laid down that the question of equation of posts or equation of pay must be left to the executive. It requires evaluation of duties and responsibilities of posts and should be determined by expert bodies like the pay commission or a specific commission or Committee. Further in the matter of Indian Drugs and Pharmaceuticals Ltd Vs Workman, Indian Drugs & Pharmaceuticals Ltd (2007) 1 SCC 408, the Hon'ble Supreme Court has observed that pay could be fixed by authorities competent to take such decision and compassion has no role to play in such decision. Ordinarily pay structure is evolved keeping in mind the method of recruitment, level at which recruitment is made, the total hierarchy of service in the given cadre, the eligibility criteria laid down, avenues of promotion, nature of duties and responsibilities horizontal and vertical relativity in the same job, public dealing satisfaction level, employers capacity to pay etc. It has been held by the Hon'ble Apex Court in Secretary, Finance Department Vs West Bengal Registration Service Association, AIR 1992 SC 1203 that equation of posts and equation of salaries is the function of executive not of the judiciary. While the actual pay fixation on the basis of the above parameters is open to scrutiny but no judicial directive can be given for equating various posts. Hence, relief No. (iii) is dismissed.

19. In so far as the issue of grant of IDA pay scale treating the post of Sr. Accountants as Group 'B' non-gazetted is concerned, the respondents themselves have granted the applicants the pay scale of Rs. 5500-9000 by Order dated 14.07.2003 (Annexure A-5). This approval was consequent upon the approval given by Department of Expenditure vide their O.M. No. 6/82/EIII(B)/91 dated 28.02.2003 (copy of which has not been provided). This letter is also referred to in letter No. 9-3/2004-SEA-BSNL dated 29.03.2004 (Annexure A-6) as the following extract would show:

"In reference to above mentioned subject, the undersigned is directed to convey that the revision of the pay scale for Junior Accountants/ Senior Accountants as approved by Ministry of Finance and Company Affairs, Department of Expenditure vide their O.M. No. 6/82/EIII (B)/91 dated 28.02.2003 ..... has been accepted by the competent authority in the BSNL".

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20. Further the respondents themselves have cited order No. Staff/M-72/GENL/2004/8 dated 12.04.2004 (Annexure SA-2) that the applicants became entitled to the pay-scale of Rs. 5500-9000 notionally w.e.f. 01.01.1996 and actually from 19.02.2003 (CDA Scale). Thus, at the time of formation of BSNL w.e.f. 01.10.2000, they were notionally on the scale of Rs. 5500-9000. As such they would be entitled to all consequential benefits of such notional grant of (CDA) pay scale which would include the benefit of absorption as laid down in DoT order No. 27-1/2001-SNG dated 28.08.2002 (Annexure RA-5) and their modalities for seeking absorption as laid down in letter dated 14.01.2002 (Annexure RA-3). Such an entitlement would not give the applicants any actual monetary benefit prior to 19.02.2003 but affirm their inclusion in Group 'B' category with the IDA pay fixation w.e.f. 19.02.2003 as was applicable to all posts falling in the grade where maximum pay is Rs. 9000.

21. On the basis of discussions above, the O.A is partly allowed. The O.A is remanded to the respondents to grant the IDA pay scale notionally w.e.f. 01.10.2000 and actually from 19.02.2003 treating them to have been on the CDA pay scale of Rs. 5500-9000 notionally from 01.01.1996 and actually from 19.02.2003 and having been eligible to be treated as Group 'B' non-gazetted notionally on 01.10.2000. No costs.

Member (A)

Member (J)

RK

07.05.2016
Section Officer
Central Administrative Tribunal
Lucknow Bench
Lucknow

(i) Date of Order 05-5-2016
(ii) Date of Receipt 06-5-2016
(iii) Date of Dispatch 07-5-2016