**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CHANDIGARH BENCH, CHANDIGARH**

**O.A. No. \_\_\_\_\_\_\_\_\_\_\_\_\_ of 2018**

BASTI RAM …..APPLICANT

VERSUS

UNION OF INDIA & ORS …..RESPONDENTS

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TOTAL FEE RS.

PLACE: CHANDIGARH (**SURESH AHLAWAT**)

DATED: 24.08.2018 ADVOCATE

COUSNEL FOR THE APPLICANT

Enrl No. P-

**LIST OF EVENTS**

----- Applicant joined on \_\_\_\_\_\_\_\_ as R.M. and he has promoted as Phone Mechanic w.e.f. 29.01.2000.

30.04.2018 Alongwith him one Sh. Devki Nandan was also promoted from the same date and he has retired on 30.04.2018 on attaining the age of superannuation.

----- Applicant came to know from the reliable sources that said Sh. Devki Nanadan was getting the higher pay than to him, the reason told to him by the Officer was given that he has been given the annual increment after retirement of nine months.

07.05.2018 Applicant made representation in this regard on 09.02.2018 followed by another representation dated 15.02.2018 with regard to the removal on anomaly vis-à-vis with Sh. Basti Ram who has been promoted alongwith him. He also moved an appeal on dated 07.05.2018.

02.04.2018 Respondent no.2 vide letter dated 02.04.2018 rejected the claim on the ground that no one junior to him is getting the higher salary. **Annexure A-1**

**-----** Judgment is squarely covered the case of the applicant vis-à-vis co-employee Sh. Devki Nandan. **Annexure A-2**

Hence, this present Original Application.

PLACE: CHANDIGARH (SURESH AHLAWAT)

DATED: 24.08.2018 ADVOCATE

COUSNEL FOR THE APPLICANT

Enrl No. P-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CHANDIGARH BENCH, CHANDIGARH

O.A. No. \_\_\_\_\_\_\_\_\_\_\_\_\_ of 2018

Basti Ram son of Sh. \_\_\_\_\_\_\_\_\_aged about \_\_\_\_\_\_\_years, (Phone Mechanic), Sector-37, Gurgaon.

--Applicant

VERSUS

1. Bharat Sanchar Nigam Limited, Sanchar Bhawan, 4th Floor, New Delhi through its Chairman-cum-Managing Director.

2. Bharat Sanchar Nigam Limited Principal General through its Manager Telecom, District Gurgaon.

--Respondents

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985.

RESPECTFULLY SHOWETH:

DETAILS OF APPLICATION:

1. Particulars of order (s) against/for which the application has been made:

The application has been made against the following order (s)/ for the following reliefs:

(i) Respondents be directed to re-fix the pay at par with his co-employee Sh. Devki Nandan after quashing the impugned order dated \_\_\_\_\_\_\_\_\_ and pay him all the benefits alongwith interest at the rate of 12% per annum.

(ii) Any other relief/direction/order this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case may also be granted in favour of the applicant; and

**2. Jurisdiction of the Tribunal:**

The applicant declares that the subject matter of the order against/for which this application has been made is within relating to the jurisdiction of this Tribunal.

**3. Limitation:**

The applicant further declares that the application is within the limitation period under Section 21 of the Administrative Tribunals Act, 1985.

**4. Facts of the case:**

Briefly stated, the facts of the case are:

(1) That applicant joined on \_\_\_\_\_\_\_\_ as R.M. and he has promoted as Phone Mechanic w.e.f. 29.01.2000.

(2) That alongwith him one Sh. Devki Nandan was also promoted from the same date and he has retired on 30.04.2018 on attaining the age of superannuation.

(3) That the applicant came to know from the reliable sources that said Sh. Devki Nanadan was getting the higher pay than to him, the reason told to him by the Officer was given that he has been given the annual increment after retirement of nine months.

(4) That the applicant made representation in this regard on 09.02.2018 followed by another representation dated 15.02.2018 with regard to the removal on anomaly vis-à-vis with Sh. Basti Ram who has been promoted alongwith him. He also moved an appeal on dated 07.05.2018.

(5) That the respondent no.2 vide letter dated 02.04.2018 rejected the claim on the ground that no one junior to him is getting the higher salary. The impugned order dated 02.04.2018 is attached herewith as **Annexure A-1**.

**5. Grounds with legal provisions:**

(a) Because the impugned rejection Annexure A-1 is totally contrary to the facts on record. The applicant never claimed pay at par with his junior but he has claimed with since Sh. Devki Nandan who is also appointed alongwith him on the same date on the Fidder Cadre and said Sh. Devki Nandan was also promoted on the same date. Under what circumstances he has been given higher pay than to him and prayed that he may be given quite pay at par with him, there is no difference between him and Sh. Devki Nandan but said Sh. Devki Nandan was given basic pay of Rs. 20,580/- whereas the applicant was given basic pay of Rs. 19,960/- which is apparently more than to him, which cannot be sustainable in the eyes of law.

(b) Because in the similar circumstances when the junior get the higher pay than the senior, the Hon'ble CAT in OA No. 60/00874/2014 titled as Prem Pal Singh Vs Bharat Sanchar Nigam Limited & Others decided on \_\_\_\_\_\_\_\_ with the clear directions that in order to remove in justice to the senior, the applicant will be given fresh option in order to re-fix the salary at par with his junior. This judgment is squarely covered the case of the applicant vis-à-vis co-employee Sh. Devki Nandan. Photocopy of the judgment dated \_\_\_\_\_\_\_\_is attached herewith as **Annexure A-2**. Thus on this score also the impugned letter/order is liable to be set aside.

(c) Because it is a settled law that the similar situated employees when they are in the same condition in all respect, cannot be given the lesser salary with each other they required to be given the same salary with they were appointed on the Fidder post on the same date and also promoted on the same date but denied the benefit is rendering the action discriminatory and arbitrary and hit Articles 14 and 16 of the Constitution of India.

**6. Details of remedies exhausted:**

The applicant declares that he has availed of the remedies available to him under the rules for giving the representations. Hence he left with no alternative remedy except to file Original Application.

**7. Matter not previously filed or pending with any other Court of law or Tribunal:**

The applicant further declare that he has not filed any such or similar application either before the Hon'ble High Court or any other Bench of this Hon'ble Tribunal or any other court nor any such application or petition is pending before any of them.

**8. Relief Sought:**

In view of the facts mentioned in para 4 above and the grounds canvassed in para 5 above, the applicant pray for the following reliefs:-

(i) Respondents be directed to re-fix the pay at par with his co-employee Sh. Devki Nandan after quashing the impugned order dated \_\_\_\_\_\_\_\_\_ and pay him all the benefits alongwith interest at the rate of 12% per annum.

(ii) Any other relief/direction/order this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case may also be granted in favour of the applicant; and

(iii) Cost of the case may kindly be awarded in favour of the applicant.

**9. Interim relief:**

Nil at this stage.

**10. The application is being filed personally through advocate at the Registry of the Tribunal**:

**11. Particulars of IPO filed in respect of Application Fee:**

(a) IPO No/Demand Draft.

(b) Date: For Rs. 50/-.

(c) Payable at GPO, Sector 17, Chandigarh.

12. Particulars of documents attached with the Application.

As per Index to the Original Application.

Place:

Dated: APPLICANT

THROUGH:-

(**SURESH AHLAWAT**)

ADVOCATE

COUSNEL FOR THE APPLICANT

**VERIFICATION:**

I, \_\_\_\_\_\_ do hereby verify that the contents of paras 1, 4, 6 to 12 are true and correct to my personal knowledge and those of paras 2, 3 & 5 are believed to be true on legal advice. I have not suppressed any material fact there from.

Place:

Dated: APPLICANT