

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2026

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.Nos.27038, 27043, 27044, 27049 and 27064 of 2023**AND****W.M.P.Nos.26472, 26478, 26480, 26487, 26507 of 2023,**
8823, 8824, 8842, 8855, 8937 of 2024**W.P.No.27038 of 2023**

- 1.Union of India
Ministry of Communications,
Rep. by its Secretary,
Department of Telecommunications,
Sanchar Bhavan, Asoka Road,
New Delhi - 110 001.
- 2.The Chairman-cum-Managing Director,
Bharat Sanchar Nigam Limited,
Bharat Sanchar Bhavan,
Harish Chander Mathur Lane,
Janpath, New Delhi - 110 001.
- 3.The Chief General Manager,
BSNL Chennai Telephones,
78, Purasawakkam High Road,
Chennai - 600 010.
- 4.The Deputy General Manager
(HR & Admn.), BSNL Chennai Telephones,
10, Millers Road, Chennai - 600 010.

..Petitioner(s)

-VS-

- 1.The Registrar
Central Administrative Tribunal,
Chennai Bench, Chennai.



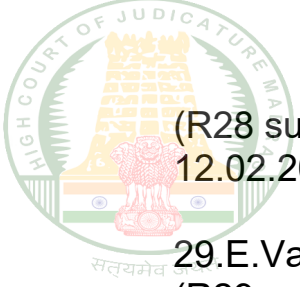
2.All India BSNL Pensioners' Welfare
Association,
Chennai Telephone Circle,
Rep. by its Circle Secretary M.Govindarajan,
S/o.Late G.Muniyandi,
Office At 25, Thanigai Street,
Rajaji Nagar, Villivakkam,
Chennai -600 042.

- 3.G.Ananthan
- 4.A.Ramachandran
- 5.Sri.Abubucker Farook (deceased)
- 6.R.Sivaji Rao (deceased)
- 7.L.Ekambaram
- 8.Vijayalakshmi Raman
- 9.B.Govindarajan
- 10.S.Vijayakumar
- 11.R.Prakash
- 12.Vanaja Sankaranarayanan
- 13.M.Rajkumar
- 14.V.J.Bharat Rajan (deceased)
- 15.R.Balan
- 16.M.P.Rajendran
- 17.R.Ramanathan
- 18.N.Senapathy
- 19.P.Ethiraj (deceased)
- 20.Ongole Ruban
- 21.G.Thirukurugai Perumal
- 22.Nawasuddin
- 23.Mohammed Zulfiyar Ali
- 24.Mohammed Mustafa
- 25.Radiyatulsakira
- 26.Kathija Begum

(R22 to R26 substituted as per order dated
12.02.2024)

27.R.Radhabai
(R27 substituted as per order dated
12.02.2024)

28.Jyothsna



(R28 substituted as per order dated
12.02.2024)

29.E.Vanarani

(R29 substituted as per order dated
12.02.2024)

... Respondents

W.P.No.27064 of 2023

1.Union Of India
Ministry Of Communications,
Rep. By Its Secretary,
Department Of Telecommunications,
Sanchar Bhavan, Asoka Road,
New Delhi- 110 001.

2.The Chairman Cum Managing Director
Bharat Sanchar Nigam Limited,
Bharat Sanchar Bhavan,
Harish Chander Mathur Lane,
Janpath, New Delhi - 110 001

3.The Chief General Manager
BSNL, Chennai Telephones,
78, Purasawakkam High Road,
Chennai - 600 010.

4.The Deputy General Manager (HR & Admn.)
BSNL Chennai Telephones,
10, Millers Road, Chennai - 600 010

... Petitioners

-VS-

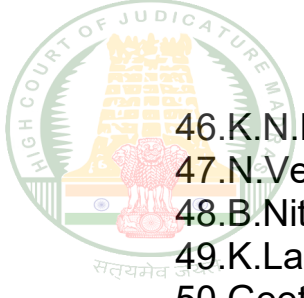
1.The Registrar
Central Administrative Tribunal,
Chennai Bench, Chennai.

2.All India BSNL Pensioners' Welfare
Association, Chennai Telephone Circle,
Rep. by its Circle Secretary
M.Govindarajan, S/o. Late G.Muniyandi,
Office At 25, Thanigai Street, Rajaji Nagar,
Villivakkam, Chennai 600 049

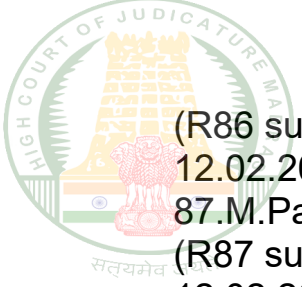


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- 3.M.Kannappan
- 4.S.Krishnamurthy
- 5.S.Bakthavatchalu
- 6.C.Gowrinathan
- 7.N.Kumar
- 8.B.Venkatesan
- 9.Rita Sriraj
- 10.K.N.Srinivasan
- 11.T.P.Sundararajan
- 12.G.Nithyanandam
- 13.R.Mohandoss
- 14.N.Bhoopathy
- 15.D.Elumalai
- 16.M.Tharabai (deceased)
- 17.R.Mohd. Abdul Khader
- 18.C.Usha Rani
- 19.P.Soundaravalli
- 20.S.G.Sampathkumar
- 21.G.Kamala
- 22.R.Bhanumathy
- 23.K.Seetharamulu (deceased)
- 24.N.R.Madana Gopal
- 25.P.Prakasam
- 26.N.Kamalakshi
- 27.N.Vijayakumari
- 28.S.Ranganathan
- 29.S.T.Naggormeeran
- 30.S.Yogalingam
- 31.R.Bhuvaragamurthy
- 32.V.Sriramachandran
- 33.R.Manavalan (deceased)
- 34.G.Padmavathy
- 35.R.M.Kanchanamala
- 36.A.Lourdhu Mary Fathima
- 37.P.Mariammal
- 38.P.N.Varadarajan
- 39.Varalakshmi Krishnamurthy
- 40.Premavathydhansingh
- 41.C.Loganathan
- 42.V.K.Chandrasekaran (deceased)
- 43.D.Barathi Raj
- 44.R.Muthukumar
- 45.G.Krishnamurthy



- 46.K.N.Mohan
- 47.N.Venkataramanaiah (deceased)
- 48.B.Nithyanandam
- 49.K.Lalitha
- 50.Geethaganesan
- 51.E.Thirugnanasambandam
- 52.M.Palaniappan
- 53.A.G.Shakuntala
- 54.S.Kothandan
- 55.P.G.Parameswaran
- 56.L.Rajagopal
- 57.R.Sundararajan
- 58.T.S.Sarachandra Raj
- 59.S.Mani
- 60.N.Gopalakrishnan
- 61.S.Gopalakrishnan
- 62.K.G.Karunakaran
- 63.A.Suresh Kumar (deceased)
- 64.A.Velu
- 65.Sasikala Krishnamurthy
- 66.K.Mahalakshmi
- 67.Hemalathaketharnath
- 68.M.Adilakshmi
- 69.P.Durai
- 70.Praveen Zacharias
- 71.Parvathy Ramakrishnan
- 72.S.Santhanam
- 73.M.Premkumar
- 74.S.Paramaraj (deceased)
- 75.L.Sundararajan
- 76.S.Padmavathy
- 77.R. Santhanakrishnan
- 78.A.Radhakrishnan
- 79.V.Narayanaswamy
- 80.S.Anantharaman
- 81.A.Meganathan
- 82.Shobanamanmathan
- 83.Mrs.Jothi Baburao
- 84.Baby D.Akshara Rao
- 85.Baby D.Ankita Rao
- (R83 to R85 substituted as per order dated 12.02.2024)
- 86.S.Mahalakshmi



(R86 substituted as per order dated
12.02.2024)

87.M.Padmavathy,

(R87 substituted as per order dated
12.02.2024)

88.D.Kasthuri

(R88 substituted as per order dated
12.02.2024)

89.N.Geetha

90.N.Kavihta Shree

91.N.Sowjanya

92.S.Shakunthala

(R92 substituted as per order dated
12.02.2024)

93.P.Jesintha

(R93 substituted as per order dated
12.02.2024)

... Respondents

W.P.No.27043 of 2023

1.Union Of India
Ministry Of Communications,
Rep. By Its Secretary,
Department Of Telecommunications,
Sanchar Bhavan, Asoka Road,
New Delhi- 110 001.

2.The Chairman Cum Managing Director,
Bharat Sanchar Nigam Limited,
Bharat Sanchar Bhavan,
Harish Chander Mathur Lane,
Janpath, New Delhi - 110 001.

3.The Chief General Manager,
Bsnl Chennai Telephones,
78, Purasawakkam High Road, Chennai - 600
010.

4.The Deputy General Manager
(HR & Admn.), BSNL Chennai Telephones,
10, Millers Road, Chennai - 600 010.

... Petitioners

-VS-



1.The Registrar
Central Administrative Tribunal,
Chennai Bench, Chennai

2.All India BSNL Pensioners Welfare
Association, Chennai Telephone Circle,
Rep. by its Circle Secretary S.Thangaraj,
S/o.Late. Samiyadian Having Office At
No.12-b, Sri Krishna Nagar,
Mannivakkam, Chennai -600 048.

3.Santhasundari Nagarajan

... Respondents

W.P.No.27044 of 2023

1.Union of India
Ministry of Communications,
Rep. by its Secretary, Department Of
Telecommunications, Sanchar Bhavan,
Asoka Road, New Delhi- 110 001.

2.The Chairman Cum Managing Director,
Bharat Sanchar Nigam Limited,
Bharat Sanchar Bhavan,
Harish Chander Mathur Lane,
Janpath, New Delhi - 110 001.

3.The Chief General Manager
BSNL Chennai Telephones,
78, Purasawakkam High Road,
Chennai - 600 010.

4.The Deputy General Manager (HR &
Admn.), BSNL Chennai Telephones,
10, Millers Road, Chennai - 600 010.

... Petitioners

-VS-

1.The Registrar,
Central Administrative Tribunal, Chennai
Bench, Chennai.



2.All India BSNL Pensioners Welfare
Association, Chennai Telephone Circle,
Rep. by its Circle Secretary S.Thangaraj,
S/o.Late. Samiyadian,
Having Office at No.12-b,
Sri Krishna Nagar, Mannivakkam,
Chennai -600 048.

3.G.Jayakumar
4.P.Srinivasan
5.V.Dhandapani
6.M.Padmanabhan
7.R.S.Vijayalakshmi

..Respondent(s)

W.P.No.27049 of 2023

1.Union of India
Ministry of Communications,
Rep. By Its Secretary,
Department Of Telecommunications,
Sanchar Bhavan, Asoka Road,
New Delhi- 110 001.

2.The Chairman Cum Managing Director,
Bharat Sanchar Nigam Limited,
Bharat Sanchar Bhavan,
Harish Chander Mathur Lane,
Janpath, New Delhi - 110 001.

3.The Chief General Manager,
BSNL Chennai Telephones,
78, Purasawakkam High Road,
Chennai - 600 010.

4.The Deputy General Manager
(HR & Admn.),
BSNL Chennai Telephones,
10, Millers Road, Chennai - 600 010.

...Petitioners

Vs

1.The Registrar
Central Administrative Tribunal,
Chennai Bench, Chennai



2.All India BSNL Pensioners Welfare Association, Chennai Telephone Circle, Rep. by its Circle Secretary S.Thangaraj, S/o.Late. Samiyadian Having Office At No.12-b, Sri Krishna Nagar, Mannivakkam, Chennai -600 048.

3.C.Elangovan
4.M.Jeevarathinam
5.R.Bhuvaneswari
6.Kamala Sivaramakrishnan
7.P.Narasa Rao (deceased)
8.Mohammed Kaleemullah
9.R.Lalitha
10.P.Rajeswari
(R10 substituted as per order dated 12.02.2024)

... Respondent(s)

W.P.No.27038 of 2023

Prayer: Calling for the records of the order dated 16.02.2023 made in O.A.No.1978 of 2017 on the file of the Hon'ble Central Administrative Tribunal, Chennai Bench and quash the same.

W.P.No.27064 of 2023

Prayer: Calling for the records of the order dated 16.02.2023 and the subsequent corrigendum dated 07.03.2023 made in OA No 1979 / 2017 on the file of the Honourable Central Administrative Tribunal, Chennai Bench and quash the same.

W.P.No.27043 of 2023

Prayer: Calling for the records of the order dated 16.02.2023 and the subsequent corrigendum dated 07.3.2023 made in OA No.429/ 2018 on the file of the Hon'ble Central Administrative Tribunal, Chennai Bench and quash the same.

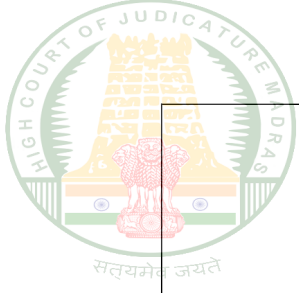
**W.P.No.27044 of 2023**

Prayer: Calling for the records of the order dated 16.02.2023 made in OA No.430/2018 on the file of the Hon'ble Central Administrative Tribunal, Chennai Bench and quash the same.

W.P.No.27049 of 2023

Prayer: Calling for the records of the order dated 16.02.2023 and the subsequent corrigendum dated 07.03.2023 made in OA. No. 431/2018 on the file of the Hon'ble Central Administrative Tribunal, Chennai Bench and quash the same.

Case No.	For Petitioner(s)/Appellant(s)	For Respondent/s
W.P.No.27038 of 2023	Mr.G.Raja Gopalan, Senior Counsel For M/s.Sunitha Kumari for P2 to P4 Mr.J.Vasu, SPC for P1	R1 – Tribunal Mr.V.P.Sengottuvel, Senior Counsel for Mr.P.Ebenezer Paul for R2 to R4, R8 to R13, R15 to R18, R20, R21 and R22 to R29
W.P.No.27043 of 2023	Mr.G.Raja Gopalan, Senior Counsel For M/s.Sunitha Kumari for P2 to P4 Mr.J.Vasu, SPC for P1	R1 – Tribunal Mr.V.P.Sengottuvel, Senior Counsel for Mr.P.Ebenezer Paul for R2 & R3
W.P.No.27044 of 2023	Mr.G.Raja Gopalan, Senior Counsel For M/s.Sunitha Kumari for P2 to P4 Mr.J.Vasu, SPC for P1	R1 – Tribunal Mr.V.P.Sengottuvel, Senior Counsel for Mr.P.Ebenezer Paul for R2 to R7
W.P.No.27049 of 2023	Mr.G.Raja Gopalan, Senior Counsel For M/s.Sunitha Kumari for P2 to P4 Mr.J.Vasu, SPC for P1	R1 – Tribunal R7 - Died Mr.V.P.Sengottuvel, Senior Counsel for Mr.P.Ebenezer Paul for R2 to R6, R8 to R10
W.P.No.27064 of 2023	Mr.G.Raja Gopalan, Senior Counsel For M/s.Sunitha Kumari for P2 to P4 Mr.J.Vasu, SPC for P1	R1 – Tribunal R11 – No Appearance Mr.V.P.Sengottuvel, Senior Counsel for Mr.P.Ebenezer Paul for R2 to R10, R12 to R15, R17 to R22, R24 to R32,



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		R34 to R41, R43 to R46, R48 to R56, R58 to R62, R64 to R73, R75 to R82, R83 to R93 R16, 23, 33, 42, 47, 63 & 74 – Died steps taken R57 died steps due
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COMMON ORDER

(Order of the Court was made by S.M.Subramaniam,J.)

Under assail is orders of Central Administrative Tribunal (CAT), Chennai Bench dated 16.02.2023, 16.02.2023 and the subsequent corrigendum dated 07.03.2023 in O.A.Nos.1978, 1979 of 2017, 429, 430 and 431 of 2018. Union of India, Department of Telecommunications along BSNL preferred the present Writ Petitions, challenging CAT orders.

2. Facts of the case:

i) Private respondents are retired Upper Division Clerks (UDCs) of Chennai Telephones and drawing pension under Rule 37(a) of CCS Pension Rules, 1972. Private Respondents were initially appointed as Lower Division Clerks (LDCs) in Telecommunication Department between October, 1976 and 1982. All of them passed typewriting test conducted by the Department and after completion of 5 years, they appeared for the merit rating test conducted by the



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Department of Posts and Telecommunication for the post of UDC and passing the test (merit), they were promoted as UDCs and were substantially appointed in the UDC cadre against the sanctioned post prior to 09.09.1992. Their pay scale was fixed in the year 1986 under 4th Central Pay Commission recommendations. Accordingly, their pay was fixed at Rs.950-20-1150-25-1500, UDS's Rs.1200-3-1560-40-2040.

ii) On 09.09.1992, Union of India, Department of Telecommunications issued orders, converting the clerical staff in the administrative office from LDC/UDC pattern to Telephone Office Assistant (TOA) by accepting the long pending demand from the Staff Union. Due to the electronic exchanges and scrapping of the local exchanges a large number of telephone operators became surplus and the need of clerical staff has been increased. Therefore, the department utilised the surplus telephone operators in TOA cadre who have the same scale of pay. The LDCS and UDCS were given option either to remain in LDC / UDC cadre or to switch over to the new cadre of TOA within a period of three months. These applicants were originally employed in the erstwhile department of Telecommunications however subsequently the said department was corporated as BSNL under Company Act 1956 in the year 2000 and services of private respondents were transferred to BSNL. Accordingly the applicants have become the



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employees of the BSNL after creation of the company. In the year 1983, the Department of Telecommunications introduced a Scheme, viz., No.1, those persons who have served in the same cadre for 16 years be given One Time Bound Promotion (OTBP) and 2. those persons who have served for 26 years to be given Biennial Cadre Review (BCR) promotion taking into account their length of service. In the above mentioned scheme, the person who have neither qualified nor passed in the departmental test for UDC were promoted as Group 2 & 3 in the restructured cadre on the basis of their length of service without considering the employees who have completed successfully the departmental test for the post of UDC.

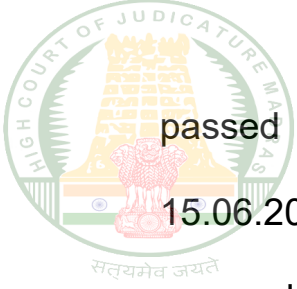
iii) As private respondents have not completed 16 years of combined service as LDC & UDC on 09.09.1992, the date of introduction of TOA staff pattern they were placed in TOA Grade I scale of pay Rs.975-1660, shortage of pay drawn earlier protected under personal pay to be adjusted towards further increment and on completion of 16 years they were placed at Rs.1400-2300 pay scale under FR-22C. Private Respondents have opted for restructured cadre and joined as Sr.TOA after fulfilling the procedures prescribed in the Recruitment Rules.



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iv) From 01-01-1996, 5th CPC was introduced to all Central Government Offices. Accordingly the erstwhile pay of Rs.1400-2300 was revised at Rs.4500-125-7000 as per the fitment formula. Private Respondents entered into the restructured cadre appointed in the OTBP of pre-restructured cadre were placed in the scale of Rs. 5000-150-8000 and that of BCR officials in the scale of Rs. 5500-175-9000 with effect from 01-12-1998 or from the date they were brought into re-structured cadre whichever was later. A representation was submitted on 10.03.2017 and again on 15-04-2017 to the 3rd respondent therein and requested to extend the implementation of the pay scale from 10.09.1992 onwards, to its members.

v) The Chennai Telephones vide their letter dated 16.05.2017 justified the claim of the private respondents (as category II) and sought for clarification from the 2nd respondent therein for extending higher pay scale of Rs.1600-2660 from 10.09.1992 thereon. The Deputy General Manager / HR, BSNL, vide order No.AST/Sr.TOA(G)/Not applied for court case / 2014 dated 31-08-2017, stated that, "the judgment / order dated 30-09-2010 of CAT, Madras Bench cannot be implemented in respect of the serving / retired officials who are similarly placed but have not approached the court" and further directed to inform the decision to persons, who made representation. The said order was



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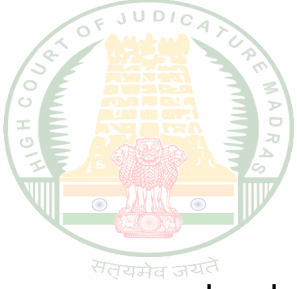
passed relying on a letter received from the 2nd respondent dated 15.06.2017. The copy of the said letter was not served on to the respondents. The Association of Private Respondents complied with the instructions of Chennai Telephones letter dated 31.08.2017 and communicated the decision to the members of the Association vide its letter dated 07/08-09-2017 and also convened a meeting for this purpose on 16-09-2017. The compliance was also informed to the 4th respondent therein.

vi) The action of the petitioners herein in not extending the benefit arising out of the quashing of the orders passed dated 30.11.2004, 23.12.2004 and 04.01.2005, merely on the ground that, private respondents have not filed court case earlier is an erroneous reason. The 4th respondent therein admitted the fact vide Letter dated 31.08.2016 that the claim of private respondents are similar and they are also entitled to get benefits in terms of the order dated 10-01-2017 issued by the 4th respondent therein. The Private Respondents were advised to state that if similarly placed persons are granted relief, each one need not go to the court and get orders and the Department is bound to extend the benefits, if the claim may be similar to uphold the right of equality guaranteed under Articles 14 & 16 of the Constitution of India. After the said order dated 10.01.2017, extending the benefits of



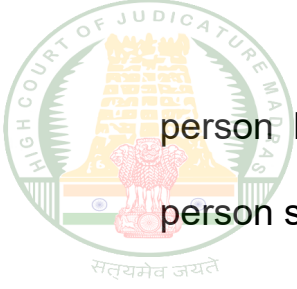
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the respondents have approached the respondents 2 and 3 therein, claiming their rights and the same having been erroneously rejected only on 31.08.2017. Thus there is no delay in filing the original application before this Hon'ble Tribunal. Private Respondents raised the grievance that the condition, which is stipulated in the said letter dated 30.11.2004 issued by the 2nd respondent therein and further letters dated 23.12.2004 and 04.01.2005 issued by the 4th respondent are contrary to the orders of the Hon'ble Supreme court dated 09.10.2002 passed in Leelamma Jacob's case which necessitated 26 years of qualifying service for Grade 3 BCR Grade to persons who pass departmental test is erroneous as well as the condition stipulated in the orders dated 30.11.2004, 23.12.2004 and 04.01.2005 was already quashed by this Tribunal in TA 117/2010 and other connected OA on 30.09.2010 and the said order has been upheld by the Hon'ble High court of Madras in W.P No.17214/2011 with connected WP by their order dated 10.03.2015 and same has attained finality after the SLP filed by the department has been dismissed by Supreme court on 09.05.2016. Also review filed by the department has been dismissed by the Hon'ble Supreme court on 27.10.2016 and the order passed by this Tribunal dated 30.09.2010 attained finality.



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vii) Respondent therein has been directed to implement the order dated 31.10.2016 and accordingly on 10.01.2017, the respondents therein had implemented the order confining only to 139 Officials, through private respondents were also in the said list, when the earlier order dated 30.11.2004 and 23.12.2004 issued by the respondents therein, which was quashed in its entirety. However the same benefit has not been extended to the private respondents herein, who are left out. Therefore they submitted their representations and the same has been turned down on the ground that they are not party to the proceedings and not challenged the same. The same is in violation of Article 14 & 16 of the Constitution of India as the Hon'ble Supreme court has held in its decision reported in 1985(2) SCC 648 held that similarly situated persons who could not afford to rush to the court would not be left out. It is further held that those who could not come to the court need not be at comparative disadvantage to those who rushed in here if they are otherwise similarly situated, they are entitled to similar treatment if not by anyone else at the hands of the court. Private Respondents also relied upon the decision of the Hon'ble Supreme court in the decision reported in 2006 (2) SCC 747 in para 29, it is held that "service jurisprudence evolved by this court from time to time postulates that all persons similarly situated should be treated similarly. Only because one



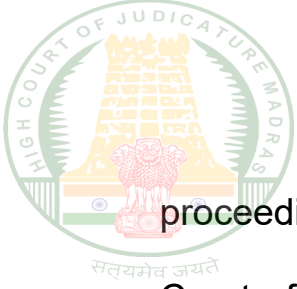
person, has approached the Hon'ble Court that would not mean that person similarly situated should be treated differently."

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viii) In view of the rejection order, private respondents in the present Writ Petitions filed Original Applications before CAT. Tribunal allowed applications by directing the respondents therein to extend all benefits in TOA. Private Respondents herein are retired servants, out of whom, 98 are pensioners and 13 are family pensioners.

3. Contentions of the Writ Petitioners

3.1. Mr.G.Raja Gopalan, learned Senior Counsel appearing on behalf of BSNL would mainly contend that Original Applications filed by private respondents before CAT is directly hit by Section 21 of the Administrative Tribunals Act, 1985. It was filed beyond the period of limitation and therefore, Tribunal ought not to have entertained applications. Private respondents had not approached the Court within time limit and they are fence sitters and waited till such judicial proceedings are completed upto Supreme Court and thereafter, submitted representations to Department on securing rejection order filed applications before CAT. Thus, private respondents are not entitled for any relief.



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3.2. Learned Senior Counsel mainly relied upon judicial proceedings, which concluded in the year 2003 before Hon'ble Supreme Court of India. The second round of litigations were taken by few other employees that came to an end in the year 2016. Thereafter, representations were submitted by private respondents herein, which were rejected by BSNL. Therefore, claim set out at this length of time ought not to have been entertained by CAT. In the event of implementation of order of CAT, there will be huge financial burden to BSNL and thus, present writ petitions are to be considered.

3.3. In support of the contention, learned Senior Counsel relied on two judgments, namely, **State of Uttar Pradesh and Others**¹, wherein Apex Court held as follows:

“22. The legal principles which emerge from the reading of the aforesaid judgments, cited both by the appellants as well as the respondents, can be summed up as under:

22.1. Normal rule is that when a particular set of employees is given relief by the Court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of [Article 14](#) of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.

¹ (2015) 1 SCC 347



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22.2. However, this principle is subject to well recognized exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the Court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.”

3.4. Relying on the case of **Arvind Kumar** (supra), Supreme Court recently dismissed SLP in the case of **Damor Nanabhai Manabhai and Others vs. The State of Gujarat and Others**².

4. Contentions of the Private Respondents:

4.1. Mr.V.P.Sengottuvel, learned Senior Counsel appearing on behalf of private respondents would oppose, by stating that pension is a continuing cause of action. Admittedly, benefit of revised pay was granted to one set of employees and they are receiving revised pension based on the judgment of Supreme Court as well as by CAT, which was confirmed by High Court. Private respondents herein are also similarly placed employees, which was not disputed by BSNL. When juniors to private respondents are receiving more pension than that of private respondents, they are entitled to seek equal promotion, which is their

² 2026 LiveLaw (SC) 104



right. Thus, CAT allowed the claim. However, Tribunal restricted the monetary benefits from the date of filing of Original Applications before Tribunal and therefore, the alleged financial burden as raised by petitioners herein is incorrect. He would rely on the judgment in the case of **M.R.Gupta vs. Union of India and others**³, wherein Paragraph No.6 reads as under:

“6. The Tribunal misdirected itself when it treated the appellant's claim as 'one time action' meaning thereby that it was not a continuing wrong based on a recurring cause of action. The claim to be paid the correct salary computed on the basis of proper pay fixation, is a right which subsists during the entire tenure of service and can be exercised at the time of each payment of the salary when the employee is entitled to salary computed correctly in accordance with the rules. This right of a Government servant to be paid the correct salary throughout his tenure according to computation made in accordance with rules, is akin to the right of redemption which is an incident of a subsisting mortgage and subsists so long as the mortgage itself subsists, unless the equity of redemption is extinguished. It is settled that the right of redemption is of this kind.

4.2.Mr.V.P.Sengottuvel, learned Senior Counsel would further rely on the Constitution Bench judgment of Supreme Court in the case of **K.C.Sharma and others vs. Union of India and others**⁴, wherein Supreme Court observed as follows:

“4.The validity of the retrospective amendments introduced by the impugned notifications dated December 5, 1988 had been considered by the Full Bench of the Tribunal in its judgment dated December 16, 1993 in O.A.No. 395-403 of 1993 and connected matters and the said notifications in so far as they gave retrospective effect to the amendments were held to be invalid as being violative a [Articles 14](#) and [16](#) of the Constitution. Since the appellants were adversely affected by the impugned

³ (1995) 5 SCC 628

⁴ (1997) 6 SCC 721



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amendments, they sought the benefit of the Full Bench of the Tribunal by filing representations before the Railway Administration. Since they failed to obtain redress, they filed the application (O.A. NO. 774 of 1994) seeking relief before the Tribunal in April 1994. The said application of the appellants was dismissed by the Tribunal by the impugned judgment on the view that the application was barred by limitation. The Tribunal refused to condone the delay in the filing of the said applications.

5. The correctness of the decision of the Full Bench of the Tribunal has been affirmed by this Court in Chairman, Railway Board & Ors. V. C.R. Rangadhamaiah & Ors., Civil Appeals Nos. 4174-4182 of 1995 and connected matters decided today.

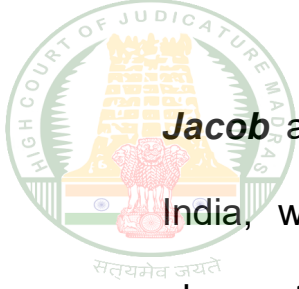
6. Having regarding to the facts and circumstances of the case, we are of the view that this was a fit case in which the Tribunal should have condoned the delay in the filing of the application and the appellants should have been given relief in the same terms as was granted by the Full Bench of the Tribunal. The appeal is, therefore, allowed, the impugned judgment of the Tribunal is set aside, the delay in filing of O.A. No. 774 of 199 is condoned and the said application is allowed. The appellants would be entitled to the same relief in matter of pension as has been granted by the Full Bench of the Tribunal in its judgment dated December 16, 1993 in O.A. Nos. 395-403 of 1993 and connected matters.”

Discussions:

5. This Court has considered rival submissions made between parties to the *lis*.

6. Facts stated in the aforementioned Paragraphs are not seriously disputed between parties. Private respondents are pensioners and family pensioners. The issue relating to entitlement of employees for revised pay was decided by Supreme Court of India in the case of **Union of India and others vs. Leelamma Jacob and others**⁵. It is not in dispute that several other employees similarly placed like ***Leelamma***

⁵ CDJ 2002 SC 1203



Jacob are also eligible for revision of pay. Hon'ble Supreme Court of India, while dismissing the SLP filed by Union of India made an observation as follows:

"6. Incidentally clarifications have been issued from time to time by appellants in 1992 and In 1994 by which it appears to us that the appellants have compounded the confusion. The clarifications purport to state that the seniority of those who were in Grade 11 by reason of their merit would be maintained In Grade II although they would not be entitled to the scales d that the promotion of such officials, namely, merit-based Grade 11 employees pay which their juniors were getting in Grade III. It has also been "clarified to Grade IV, that is, in the pay scale of Rs. 3200 would be governed by their remained in Grade II they would not be in a position to be considered for seniority quite overlooking the fact that if the contesting respondents the contesting respondents for promotion on the basis of the seniority in promotion to Grade IV at all. The "clarification" cannot take away the rights of Grade 11 as obtained in 1983. Nor can they be denied any benefit to which any of their juniors may be entitled by virtue of either of the OTBP Scheme or the BCR Scheme.

18. For the aforesaid reasons, we uphold the decision of the Central Administrative Tribunal (Bangalore Bench) as well as the decision of the Central Administrative Tribunal, Chennai impugned before us in these appeals and dismiss the appeals without any order as to costs."

7. In view of the judgment of Supreme Court in the case of **Leelamma Jacob**, another set of employees, namely, Mythily and Others approached CAT and their claim was also allowed by CAT. Union of India again filed a batch of writ petitions in W.P.Nos.17214 of 2012, etc before this Court and a Division Bench of this Court passed an order dated 18.03.2015. Relevant portion of the order reads as under:

"32. In this case, the respondents are neither seeking upgradation nor seeking promotion. The respondents sought only



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to grant them higher fixation on the basis of their seniority over and above the juniors and on the basis of the decision of the Supreme Court. This benefit was granted by the Department itself by the proceedings dated 24.2.2004. What was granted in February 2004 was sought to be withdrawn within a couple of months by the proceedings dated 10.8.2004 and 30.11.2004, even without any notice. Therefore, apart from the merits of the case, the withdrawal of the benefit, re-fixation of pay and recovery of the arrears, resulting in civil consequences for the contesting respondents have been done without even following the principles of natural justice. Hence, we find no illegality in the order of the Tribunal warranting interference.”

8. The said judgment of Division Bench of this Court was taken by way of an SLP by Union of India and Hon'ble Supreme Court dismissed SLP on 09.05.2016. Thereafter, private respondents submitted representations, seeking revision of pay on par with Mythily and others. The case of **Mythily and others** was elaborately considered by the Division Bench of Madras and their claim was allowed on par with Leelamma Jacob and confirmed by Hon'ble Supreme Court of India. Subsequent representations of private respondents, since rejected, they filed Original Applications and CAT, by following the judgment in the case of ***Leelamma Jacob and others*** granted the relief.

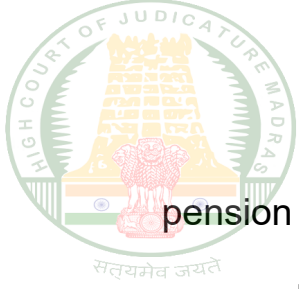
9. The question arises whether limitation is to be held against private respondents, who are all pensioners / family pensioners. No doubt, Section 21 of the Administrative Tribunals Act, 1985 contemplates limitations of one year from the date of passing of the



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order by competent authority. No doubt, Original Applications were filed by private respondents not only challenging the rejection order of the 2017, but along with the orders dated 23.12.2004 and 04.01.2025 issued by BSNL. In fact, those proceedings were quashed in respect of Leelamma Jacob and others and Mythily and others. When these two proceedings were already quashed by Tribunal, confirmed by Division Bench of Madras High Court and by Supreme Court of India, challenging of quashed proceedings by similarly placed persons is only to secure the similar relief.

10. Pension is a continuing cause of action. In the present case, admittedly, juniors to private respondents herein are receiving more pension than that of similarly placed pensioners. Parity in pension continues for longer time. Even considering the fact that there is a delay in approaching the Court by private respondents, the fact to be considered is that they continue to receive lesser pension than that of the similarly placed pensioners. This fact is not disputed. So long as private respondents continue to receive lesser pension, they are entitled to claim stepping up of their pension on par with similarly placed pensioners, whose pension was revised based on the judgment of this Court, which was confirmed by High Court and Supreme Court.



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11. Regarding continuing cause of action in the matter of pension and family pension, Courts are expected to adopt pragmatic approach, since pensioners being homogenous class are entitled to receive equal pension on par with their counter part pensioners.

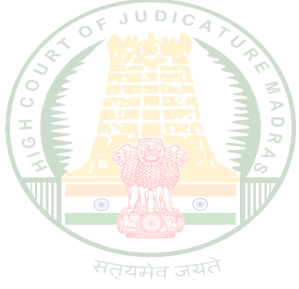
12. Three Judges Bench of Hon'ble Supreme Court of India in the case of **Chairman / Managing Director, Uttar Pradesh Power Corporation Limited and others vs. Ram Gopal**⁶

"13. We may hasten to add that these principles may not, however, apply to judgments which are delivered in rem. The State and its instrumentalities are expected in such category of cases to themselves extend the benefit of a judicial pronouncement to all similarly placed employees without forcing each person to individually knock the doors of courts. This distinction between operation of delay and laches to judgments delivered in rem and in personam, is lucidly captured in [State of Uttar Pradesh v. Arvind Kumar Srivastava](#)⁴, laying down that:

"2.1. The normal rule is that when a particular set of employees is given relief by the court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.

2.2. However, this principle is subject to well-recognised exceptions in the form of laches and delays as well as acquiescence. Those persons who did not

⁶ (2021) 13 SCC 225



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challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.

22.3. However, this exception may not apply in those cases where the judgment pronounced by the court was judgment in rem with intention to give benefit to all similarly situated persons, whether they approached the court or not. With such a pronouncement the obligation is cast upon the authorities to itself extend the benefit thereof to all similarly situated persons. Such a situation can occur when the subject-matter of the decision touches upon the policy matters, like scheme of regularisation and the like (see [K.C. Sharma v. Union of India](#) [[K.C. Sharma v. Union of India](#), (1997) 6 SCC 721 : 1998 SCC (L&S) 226]). On the other hand, if the judgment of the court was in personam holding that benefit of [the said judgment](#) shall accrue to the parties before the court and such an intention is stated expressly in the judgment or it can be impliedly found out from the tenor and language of the judgment, those who want to get the benefit of [the said judgment](#) extended to them shall have to satisfy that their petition does not suffer from either laches and delays or acquiescence.” (Emphasis applied).

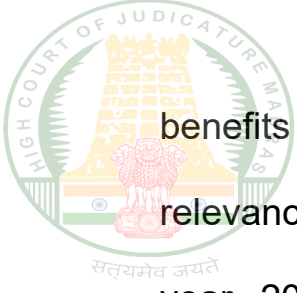
13. In the present case, an Administrative decision was taken by BSNL in the year 2004 and 2005 and such decision came to be challenged and decision was set aside by Tribunal and confirmed by High Court and Supreme Court. Another set of employees impugned, i.e., Mythily and others also approached Court and again proceedings were quashed. Under these circumstances, it would be unnecessary to



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drive all similarly placed pensioners and family pensioners to approach Court and it would result in unnecessary hardship. In such circumstances, BSNL is expected to implement the benefit in respect of all the similarly placed pensioners and family pensioners instead of depriving them or to drive them to Court for filing petitions. This action would have been initiated by BSNL soon after proceedings of the year 2004 and 2005 were quashed by CAT, confirmed by High Court and Supreme Court in the year 2016.

14. Pension is a right and not a bounty. It is the deferred portion of wages earned by an employee. Therefore, there cannot be any discrimination amongst homogenous class of pensioners. No doubt, pensioners can be classified on various factors. Once a set of pensioners belongs to a same category and identically placed, then there cannot be any discrimination in the matter of grant of pension and pensionary benefits. In the present case, it is not in dispute that case of private respondents are factually similar to that of Mythily and others. That being the factum, private respondents are entitled for the benefit on par with Mythily and others for whom the benefit of revised pension was granted. CAT granted the relief of revision of pension by prospectively granting the actual monetary benefits prior to three years of filing of Original Applications. This Court is of the view that grant of monetary



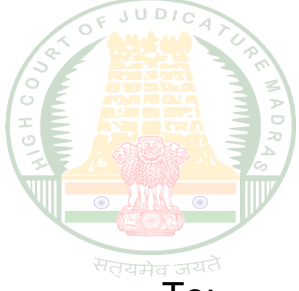
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benefits prior to three years of filing of Original Applications has no relevance nor has any nexus, since the case of Mythily was filed in the year 2005, which cannot be compared with the case of private respondents, who filed Original Applications in the year 2017. In view of the said factual position, we are inclined to uphold the order of CAT in all respects, except the effecting date of monetary benefits, which shall be granted to private respondents herein from the date of filing of the Original Applications before CAT. The said exercise is directed to be completed by petitioners herein within a period of three months from the date of receipt of a copy of this order.

With the above modification, the present Writ Petitions stand disposed of. No costs. Consequently, connected Miscellaneous petitions are closed.

(S.M.S.,J.) (N.S.,J.)
29.06.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
AR



S.M.SUBRAMANIAM,J.
AND
N.SENTHILKUMAR,J.
AR

To:

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1. The Registrar
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Chennai Bench, Chennai.
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W.P.Nos.27038, 27043, 27044, 27049 and 27064 of 2023

29.06.2026