

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.17424 of 2014

Date of Decision:- 27.05.2015.

Bharat Sanchar Nigam Ltd. and others

.....Petitioners

Versus

Central Administrative Tribunal, Chandigarh Bench, Chandigarh and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Ms. Deepali Puri, Advocate for the petitioners.

Mr. N.P. Mittal, Advocate for respondent No.2.

SURYA KANT, J. (ORAL)

1.) BSNL Authorities are aggrieved by the order dated 04.03.2014 passed by Central Administrative Tribunal, Chandigarh Bench, (hereinafter referred to as 'The Tribunal') directing the petitioners to grant all the consequential benefits to respondent No.2 like annual increments etc. after treating her a regularly appointed Mazdoor in view of the regularization order dated 23.03.2004.

2.) The facts are not in dispute. The second respondent joined the petitioners as a Safai Sewak (Sweeper) on full time basis in the year 1987. She continued to work uninterruptedly but her

services were not regularized. She approached this Court in CWP No.16983 of 2003 which was disposed of with a direction to the petitioners to decide her claim.

3.) Pursuant thereto, the Competent Authority passed the order dated 23.03.2004 (Annexure P-4) granting the status of regular employee to respondent No.2.

4.) Thereafter, respondent No.2 claimed the benefit of annual increments and other incidental service benefits to which she was entitled to as a regular employee. As her grievances were not redressed, she again approached this Court in CWP No.9500 of 2004. The aforesaid writ petition was dismissed as infructuous on the basis of statement of counsel for the petitioner-Authorities in the following terms:-

"It has been contended by Mr. Mittal that though the petitioner had been granted the status of a regular Mazdoor vide order, Annexure P-8, in the scale of Rs.4000-120-5800 w.e.f. 18.3.2004 yet she was entitled to have the arrears as well as per Annexure P-1 dated 25.8.2000.

Mr. Sharma has, however, pointed out that the petitioner had in fact been granted a regular status and as such she had been given the benefit far in excess than envisaged in Annexure P-1."

5.) Unfortunately, the statement made by counsel for the

petitioner-Authorities was not honoured by the Authorities and resultantly the second respondent was deprived of her annual increments, that she approached the Tribunal who has vide the impugned order accepted her claim with a direction that after treating respondent No.2 as a regular employee w.e.f. 18.03.2004 and she be *“granted due benefits based thereon.”*

6.) We have heard learned counsel for the parties and gone through the record.

7.) It appears to be the case of petitioner-Authorities that their counsel made an erroneous statement before this Court to the effect that the second respondent had been granted regular status or that she stood granted all the consequential benefits in terms of the order dated 25.03.2004 (Annexures P-6 and P-7).

8.) Having given our thoughtful consideration to the submission, we are of the view that this petition is totally frivolous and bereft of any merit. Assuming that no statement was made by counsel for the petitioners, it is undeniable that the Competent Authority did pass the order dated 23.03.2004 (Annexure P-4) whereby the second respondent was granted the status of a regular Mazdoor w.e.f. 18.03.2004 in the pay scale of ₹ 4000-120-5800. Having granted that regular status in a time pay scale, it was imperative upon the competent authority to hitherto release the annual increments or other consequential monetary benefits from due dates.

9.) It deserves emphasis here that the order dated 23.03.2004 (Annexure P-4) was neither recalled, nor modified or rescinded. Once the second respondent was conferred the status of 'regular employee', the grant of annual increment or other monetary benefits from the due dates could not have been withheld. The Tribunal's direction to release the same, thus, warrants no interference.

10.) Similarly, if the pay scale of ₹ 4000-120-5800 stood revised subsequently w.e.f. 1.1.2006 or from any other date, respondent No.2 is entitled to such revised pay scale and the incidental benefits flowing therefrom.

11.) If the petitioners are yet to pay full arrears of annual increments or other monetary benefits to the second respondent, they shall do the needful within three months from the date of receipt of certified copy of this order. For the reasons stated above, we do not find any merit in this writ petition. Dismissed.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

May 27, 2015.

sandeep sethi