

HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION Nos.3386, 312, 3337, 3351, 3352, 3378,
3381, 3396, 3429, 3457, 3478, 3484, 4013, 4014, 4015,
4017, 4018, 4020, 4029, 4031, 4032, 4033, 4035, 4052 and
4072 of 2017

COMMON ORDER: *(per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

We have heard the learned Senior Counsel for the Bharat Sanchar Nigam Limited, which is challenging the different orders, which are similar.

2. The impugned orders are issued by the Central Administrative Tribunal, Hyderabad Bench.

3. The sum and substance of the contentions, as between the Department and the employees, who were before the Tribunal, in this bunch of matters was as to whether the pay of an admitted senior could be pegged up to the pay drawn by the admitted junior in the same cadre, applying Sub-Rule (23) of Fundamental Rule 22, as quoted by the Division Bench of the Kerala High Court in the judgment in OP (CAT).No.1576 of 2012 (Z).

4. The rule position is clear that such pegging up has necessarily to be ordered. We take this view notwithstanding the fact that the Tribunal had applied the verdicts of the Central Administrative Tribunal of Kerala & Lakshadweep, as affirmed

by the Kerala High Court on the precedent point. It is also mentioned that the said judgment of the Kerala High Court has not been challenged before the Supreme Court.

5. With the aforesaid, we are of the view that the order shown to us on behalf of the Department rendered up by the Hon'ble Supreme Court in Civil Appeal No.4389 of 2010 would not by itself apply, particularly, when the Department has given effect to the directions issued by the Central Administrative Tribunal of Kerala & Lakshadweep, as affirmed by the Kerala High Court.

6. For the aforesaid reasons, we are also of the view that these Writ Petitions do not merit interference under Article 227 of the Constitution of India since we do not see any miscarriage of justice working out as against the petitioner establishment.

In the result, these Writ Petitions are dismissed.

Miscellaneous petitions, if any pending, shall also stand dismissed. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

Date: 04.01.2019

A. RAJASHEKER REDDY, J

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