



WEB COPY



W.P.No.12679 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2025

CORAM:

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

W.P.No.12679 of 2025
and
W.M.P.No.14281 of 2025

1.The Chairman cum Managing Director,
BSNL Corporate Office,
Bharat Sanchar Bhavan,
Harish Chandra Mathur Lane,
Janpath, New Delhi-110 001.

2.General Manager (Personnel),
BSNL Corporate Office,
R.No.221, 2nd Floor Eastern Court,
Janpath, New Delhi-110 001.

3.M/s Bharat Sanchar Nogam Limited,
Rep. by its Chief General Manager,
Core Network Tx-South,
No.11, Link Road, Ganapathy Colony,
Guindy, Chennai-600 032.

...Petitioners

Vs

1.Savaligeppa P.Byakod

2.Union of India,
Rep. by its Secretary, Department of Telecommunication,
Ministry of Communication and Information Technology,
Government of India, 421, Sanchar Bhavan,
20, Ashoka Road, New Delhi-110 001.

...Respondents



W.P.No.12679 of 2024

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the entire records of the order dated 29.08.2024 made in O.A.No.1725/2018 on the file of the Central Administrative Tribunal, Chennai bench and quash the same.

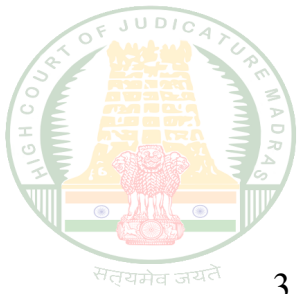
For Petitioners : Mr.S.Gopinath

ORDER

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

Heard Mr.S.Gopinath, learned counsel for the petitioners. In view of the final order to be passed in this Writ Petition, notice to the respondents is dispensed with.

2. Through an order dated 01.11.2018, when the petitioners herein had sought for revising the first respondent's pay of scale from Rs.12,775/- to Rs.11,875/- as on 01.10.2000, he had challenged the same before the Central Administrative Tribunal, Madras Bench (hereinafter referred to as 'the Tribunal') in O.A.No.1725 of 2018. Though an order dated 29.08.2024, the Tribunal had set aside the order dated 01.11.2018 and directed the petitioners to restore his earlier higher pay at Rs.12,775/-, together with a direction to pay all the arrears of the pay within a stipulated time. This order of the Tribunal is put under challenge in the present Writ Petition.



W.P.No.12679 of 2021

WEB COPY

3. In the impugned order, all that the Tribunal has done is place reliance on the decision of the same Tribunal in O.A.No.1404 of 2019 dated 27.07.2022, wherein a similar case of an employee of BSNL, against whom revision of pay and consequential recovery was issued, was set aside with a direction to reimburse the recovered amount. The Tribunal had also placed reliance on the order of the Hon'ble Division Bench of this Court passed in W.P.No.24687 of 2022 dated 15.11.2022, wherein BSNL had challenged the order passed in O.A.No.1404 of 2019 and by upholding the directions of the Tribunal, the Writ Petition was dismissed by the Hon'ble Division Bench. Incidentally, when BSNL had challenged the order passed in W.P.No.24687 of 2022 before the Hon'ble Supreme Court, the same was also dismissed.

4. In a very recent decision of the Hon'ble Supreme Court in the case of *Jagdish Prasad Singh Vs. State of Bihar and Others* reported in **2024 SCC OnLine SC 1909**, it was held that any step of reduction in the pay scale and recovery from a Government employee would tantamount to a punitive action because the same has drastic as well as evil consequences. In the said decision, the Hon'ble Supreme Court had also taken note of the fact that the employee therein had superannuated 8 years prior to the punitive action of



W.P.No.12679 of 2024

revision of pay scale and recovery and held that permitting the department to proceed with their intended course of action, would be grossly illegal and arbitrary.

5. In the instant case also, the petitioners herein seek for revising the first respondent's pay with effect from 01.10.2000, which is more than eighteen years and sought for recovering the excess payment. The facts relating to the case in O.A.No.1404 of 2019, which was confirmed by this Court, as well as the Hon'ble Supreme Court, are similar to the facts of the present case, which aspect has been appreciated by the Tribunal and final orders are passed. The petitioners are not in a position to differentiate the facts of these two cases. As such, the order of the Tribunal does not require interference.

6. In the light of the above observations, the Writ Petition stands dismissed. Consequently, the petitioners are directed to comply with the order of the Tribunal passed in O.A.1725 of 2018, dated 29.08.2024, within a period of one month from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

(M.S.R.,J.) (N.S.,J.)
09.04.2025

Index:Yes/No



Speaking order/Non-speaking order

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W.P.No.12679 of 2021



WEB COPY

To

The Secretary,
Union of India,
Department of Telecommunication,
Ministry of Communication and Information Technology,
Government of India,
421, Sanchar Bhavan,
20, Ashoka Road, New Delhi-110 001.



WEB COPY



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