**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**

**CHANDIGARH BENCH AT CHANDIGARH**

O.A. No. of 2015

SURINDER KUMAR and Another

… Applicant

Versus

BHARAT SANCHAR NIGAM LIMITED and Others

… Respondents

**ADDITIONAL INDEX**

|  |  |  |  |
| --- | --- | --- | --- |
| **Sr.****No.** | **Description of documents** | **Date** | **Pages** |
| 1 | Rejoinder |  |  |
| 2 | Annexure - (Joint Committee’s recommendation that Revised E2 and E3 Standard Pay Scales should replace the Existing E1A and E2A Non-standard Pay Scales with effect from 01-01-2007. | 09-07-2015 |  |

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**

**CHANDIGARH BENCH AT CHANDIGARH**

O.A. No. of 2015

SURINDER KUMAR and Another

… Applicant

Versus

BHARAT SANCHAR NIGAM LIMITED and Others

… Respondents

**REJOINDER UNDER RULE 32 OF CENTRAL ADMINISTRATIVE TRIBUNAL RULES OF PRACTICE, 1993**

Respectfully Sheweth:-

I, Surinder Kumar, the applicant herein, do hereby solemnly affirm and swear to the rejoinder, on own behalf as well as on behalf of Applicant No. 2, under Rule 32 of Central Administrative Tribunal Rules of Practice, 1993 to counter the averment made by the Respondent No. 3.

I crave the leave of Hon’ble Tribunal to treat the averments made in the original application as part and parcel of the rejoinder.

**Preliminary Objections: -**

The Preliminary Objections, as made in the Applicants’ Rejoinder dated 21/01/2016 to counter the written statement of Respondent No. 1 and 2., are adopted herewith to counter the written statement of Respondent No. 3.

**Parawise Objections: -**

The contents of reply statement of Respondent No. 3 are, denied as false *except otherwise expressly admitted herein* and, rebutted using the same paragraph numbers as contained in Respondent No. 3’s reply statement as under: -

1. That the averments of Paragraph No. 1 are denied as false. That the present OA has been filed for the directions to Respondent No. 3 to take final decision with effect from 01-01-2007 on the Revised Standard Pay Scales corresponding to the existing Non-standard Pay Scales *viz.* E1A and E2A, as stated in DOT’s Office Memorandum No. 61-01/2009-SU dated 27-02-2009.
2. No Comment.
3. No Comment.
4. No Comment.
5. That the averments of Paragraph No. 5 are denied as false. That the table given is absurd for the reason that in 3rd Column the Revised E1 and E2 Standard Pay Scales have been shown as corresponding to Existing E1A and E2A Non-standard Pay Scales approved by DPE. Whereas, the DPE has not at all approved any pay scale corresponding to Existing E1A and E2A Non-standard Pay Scales.
6. That the averments of Paragraph No. 6 are denied as futile and repetitive. Factually, the Revised E1A and E2A Non-standard Pay Scales as recommended by BSNL have already been rejected by DPE vide its OM dated 09-07-2014.
7. That the Respondent No. 3 has admitted that the benefit of 5 advance increments has been restricted to the executives recruited in the year 2007 and 2008. It is thus evident that executives recruited thereafter have been suffering in terms of loss of pay for more than 9 years.
8. That the averments of Paragraph No. 8 are denied as absurd and false. Factually, the proposal (as referred to in the Paragraph No. 8 of Reply Statement of Respondent No. 3) has been under active consideration of BSNL management for more than 7 years since the year 2009. It is really a matter of serious thought that how could a matter of active consideration be pending for more than 7 years? Notwithstanding this so called active consideration, the fact remains the same that executives have been suffering in terms of loss of pay for more than 9 years due to wrongful inaction (nonfeasance) on the part of respondents.
9. That the averments of Paragraph No. 9 are denied as absurd and false. In the present OA, the applicants have been suffering only due to the wrongful inaction (nonfeasance) on the part of respondents, who have not taken final decision on revised standard pay scales corresponding to Existing E1A and E2A Non-standard Pay Scales w.e.f. 01-01-2007.
10. That the averments of Paragraph No. 10 are denied as absurd and false. That the applicants have been given revised E1/E2 standard pay scale, which are not equivalent (but lower) to existing E1A/E2A Non-standard Pay Scales. The Applicant No. 2 represents three types of executives viz. (i) those who were recruited before 01-01-2007 [who got 30% fitment], (ii) those who were recruited in the year 2010 [who got 5 advance increments], and (iii) those who were recruited after the year 2010 [who did not get 5 advance increments]. All the executives are suffering in terms of loss of pay in different quantum and manner. The First class of executives are not suffering presently but soon they will start suffering due to stagnation. The Second class of executives are suffering the loss of Rs. 1580 (Rs. 20600 - Rs. 19020) in basic Pay itself as compared to the standard pay scales they ought to get. The Third class of executives are suffering the loss of Rs. 4200 (Rs. 20600 - Rs. 16400) in basic Pay itself as compared to the standard pay scales they ought to get.
11. That the averments of Paragraph No. 11 are irrelevant. Notwithstanding said irrelevancy, the issue of Existing E9A and E9B Non-standard Pay Scales has been settled, but issue of Existing E1A and E2A Non-standard Pay Scales has not yet been settled. That is why the present OA has been file to seek for the directions to the respondents to take final decision on revised standard pay scales corresponding to Existing E1A and E2A Non-standard Pay Scales.
12. No Comments being matter of fact.
13. No Comments being matter of fact.
14. That the averments of Paragraph No. 14 are admitted. However, the matter cannot be settled without taking final decision as sought for in the relief.
15. That the averments of Paragraph No. 15 are denied as false. The Respondent No. 3 has also chosen not to append the copy of judgment in OA. No. 3208 of 2011 before Hon’ble PCAT. Factually, the matter of controversy before Hon’ble PCAT was pay fitment to those who were recruited in the year 2010. The Hon’ble PCAT never directed the respondents not to take final decision on revised standard pay scales corresponding to Existing E1A and E2A Non-standard Pay Scales.
16. Same as in Paragraph No. 9 above.
17. Same as in Paragraph No. 8 above.
18. No Comment. However, the matter cannot be settled without taking final decision as sought for in the relief.
19. That the averments of Paragraph No. 19 are denied as false. That the joint committee on 09-07-2015 (Annexure - ) has already recommended that Revised E2 and E3 Standard Pay Scales should replace the Existing E1A and E2A Non-standard Pay Scales with effect from 01-01-2007. The fact is that respondents are not inclined to take final decision as sought for in the relief of present OA.

Place: Chandigarh

Dated: /01/2016

Applicant

Through

**(RAJ KUMAR SHARMA)**

Advocates

Counsel for the Applicants

**Verification**:

I, Surinder Kumar, age 34 years, s/o Sh. Om Parkash, r/o Quarters No.-2, BSNL Colony, Sector-7, Urban Estate, Kurukshetra (Haryana) – 136118, presently working as Junior Accounts Officer at Circle Telecom Training Centre Kurukshetra, do hereby verify that the contents of above mentioned paragraphs are true and correct to my personal knowledge and that I have not suppressed any material fact. The additional documents adduced herein are copy of original document.

Place: Chandigarh

Dated: /01/2016

Applicant

Through

**(RAJ KUMAR SHARMA)**

Advocates

Counsel for the Applicants