

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 601 of 2002

New Delhi, this the 13th day of November, 2002

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)
HON'BLE MR. M.P. SINGH, MEMBER (A)

1. Shri Jai Gopal
S/o Shri Charan Singh
R/o 145/IX, R.K. Puram,
Delhi-110 022.
2. Shri Pyare Lal
S/o Shri Buddha Ram
C-70, Jawahar Park,
Devli Road, Khanpur,
New Delhi-110 062.

—APPLICANTS

(By Advocate: Shri R.P. Kapur)

Versus.

1. Union of India
Ministry of Home,
Through Registrar General India,
2A, Mansingh Road,
New Delhi-110 011.
2. The Secretary,
Department of Revenue,
Ministry of Finance,
North Block,
New Delhi-110 001.
3. Director (RDP),
Office of the Registrar General of India,
2A, Mansingh Road,
New Delhi-110 011.

—RESPONDENTS

(By Advocate: Shri A.K. Bhardwaj)

ORDER (JUDICIAL)

Hon'ble Mr. Kuldip Singh, Member (J)

This OA has been filed commonly by two applicants under Section 19 of the Administrative Tribunals Act, 1985 seeking a direction to grant pay parity to the applicants w.e.f. 1.1.1985 instead of 11.9.1989.

2. The facts in brief are that the applicants were appointed as Data Entry Operator Grade 'B' on 25.5.1983 in the office of Registrar General India,



Ministry of Home Affairs, New Delhi and subsequent to the acceptance of the scales of pay after the introduction of 4th Pay Commission w.e.f. 1.1.1998 and as there were large scale anomalies, so as to remove those anomalies, a committee was constituted which was headed by Dr. Seshagiri. The Government accepted the recommendations but granted the benefits only w.e.f. 11.9.1989. Thus still an anomaly remains because the Pay Commission had introduced the scales w.e.f. 1.1.1986 and not from any other date and no reason was given as to why the benefits, as granted by Seshagiri Committee was allowed not w.e.f. 1.1.1986.


3. It is further stated that the recommendations of Seshagiri Committee's were of universal application and were available to all the grades in the Data Processing cadres and even in this Tribunal in OA 3280/2001 filed by Dharampal Singh Vs. U.O.I., Ministry of Home Affairs through Registrar General of India the same benefit was granted w.e.f. 1.1.1986. The OA was allowed even without issuing show cause notice to the respondents because earlier also in various other OAs a similar direction was given to the respondents so respondents were directed to extend the pay scale of Rs.1350-2200 to the applicant w.e.f 1.1.1986. The said order has been implemented also. It was also observed that in the case of Inder Pal Yadav Vs. U.O.I., 1995 (2) SLR 248 the Hon'ble Supreme Court has laid down that those who could not come to the court need not be at comparative disadvantage to those who rushed to the court

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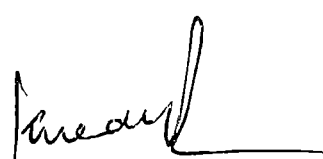
if they are otherwise similar. There are other judgments as given in OA 2454/1997 and OA No.2050/1997 wherein also the similar benefits were granted. Similarly in OA 2639/99 the Full Bench had taken a decision for grant of pay scale as recommended by Dr. Seshagiri Committee w.e.f. 1.1.1986.

4. The learned counsel appearing for the respondents opposed this OA on the ground of limitation but we find that since in the case of Inder Pal Yadav (Supra) it has been already observed by the Hon'ble Supreme Court that those persons who have not come to the court cannot be kept at disadvantageous position and it is grant of pay scales as per Pay Commission's report itself, so the Government is otherwise duty bound to accord the benefit itself instead of asking the applicants to approach to the Court. The Government as an ideal employer should not have taken this technical plea to extend the benefit of the revision of pay scales to the applicants.

5. Hence we find that the pleas taken by the respondents have no merits and the OA has to be allowed. Accordingly the OA is allowed and the respondents are directed to grant the pay scales of Rs.1350-2200 as per the Seshagiri Committee w.e.f. 1.1.1986 instead of 11.9.1989. These directions may be implemented within a period of 2 months from the date of receipt of a copy of this order. No costs.


(M.P. SINGH)
MEMBER (A)

/Rakesh


(KULDEEP SINGH)
MEMBER (JUDL)