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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. NO. 2577/2002

NEW DELHI THIS 23RD DAY OF JUNE 2003

HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)
HON'BLE SHRI SHANKER RAJU, MEMBER (J)

1. Mr. S.K.Singh
 2. Mrs. Sudha Rani Kapoor.
 3. Mrs.P.Keswani.
 4. Mrs. Maya Devi.
 5. Mrs. A.K.Chakrabarty.
 6. Mrs. Karora.
 7. Mrs. M.Bhardwaj.
 8. Mrs.S.Sethi.
 9. Mrs. K.D.Dhingra.
 10. Mrs.A.Kumari.
 11. Mrs. S.K.Mahajan.
 12. Mrs.D.Vaid.
 13. Mrs. S.Mathur.
 14. Mrs.A.Grover.
 15. Mr. V Narayanan.
 16. Mr. S.K.Sethi
 17. Mr.Darshan Singh.
 18. Mrs. S.Malhotra.
 19. Mrs. S.Kakaria.
 20. Mrs. Sashi Anand.
 21. Mr. D.S.P.Singh.
 22. Mr. Madhu Sudhan.
 23. Mr. Surinder Kumar.
 24. Mr. R.K.Lookhar.
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25. Mrs. Kanta Devi.
26. Mr. Madan Lal.
27. Mr. Dharambir Singh.
28. Mr. Ram Mohan.
29. Mrs. Ashok Kumari.
30. Mr. S.S.Sharma.
31. Mr. Krishan Kumar.
32. Mrs. Rita Sadana.
33. Mrs. Maya Rani Ridla.
34. Mrs. Sunita Rajput.
35. Mrs. Madhu Arora.
36. Mrs. Usha Chauhan.
37. Mr. Ramesh Prakash.
38. Mrs. Shashi Chauhan.
39. Mrs. Shashi Kapoor.
40. Mr. Pradeep Kumar.
41. Mr. K.K. Lakshmi.
42. Mrs. Rina Ayan.
43. Mr. Kamal Kumar.
44. Mr. Surinder Singh
45. Mr. S.P. Singh.
46. Mrs. L. Shekhawat.
47. Mrs. Satwati Devi.
48. Mrs. Sonia Girdhar.

(Applicants Nos. 1 to 48 are presently
at 1, Army Head Quarters,
Signal Regiment, New Delhi)

49. Smt. S.J.Sandhu.
50. Sri. V.P.Anand.
51. Smt. Balbir Kaur.
52. Sri. R.S.Gulati.
53. Sri. Sharad Kumar.
54. Sri. R.S.Chauhan.
55. Smt.V.Korpal.
56. Smt.M.J.Daviya.
57. Smt.Surender Thakur.
58. Sri. Joga Singh.
59. Smt. Anita Teotia.
60. Smt. Randhir Kaur.
61. Sri. R.A.Singh.
62. Sri.Umesh Chandra.
63. Smt.V.Choudhary.
64. Sri. M.L.Rathore
65. Sri. S.D.James.
66. Mahesh Kumar.

(Applicants Nos.49 to 66 are presently
at U.P.Area, Signal Regiment,
Bareilly-Cant, Uttaranchal)

67. Mr. Tara Singh Gill.
68. Mrs. Rehalama K.M.
69. Mrs. Hema Pandey,
70. Mr.K.G.Sharma,
71. Mr.Manoj Kumar Bisoyi,
72. Mr.Mr. Harpreet Singh.

(Applicants Nos.67 to 72 are presently
at IMA, Dehradun, Uttaranchal)

73. Smt. Devinder Kaur.
74. Shri Harish Chandra.
75. Mrs. Inderjeet Gurung.
76. Sri Dharam Pal Sharma.
77. Smt. Sheh Lata Dandriyar.
78. Sri. Sushil Kumar Ram.
79. Sangeeta Khattri.
81. Lakhindar Khosla.
82. Smt. Aruna Khattri.
83. Smt. Geeta Rawat.

(Applicants Nos.73 to 83 are presently
at Station Head Quarters, Dehradun,
Uttaranchal)

84. Kaman Singh Makhloga.
85. Prem Singh Gosain.
86. Sri. Rattan Kumar Gurung.
87. Prabha Dayar Gupta.
88. Ram Surat Thakur.
89. Smt. Sunita Bali.
90. Smt. Neema Bhist.
91. Deepak Kumar Thapa.
92. Smt. Shobha Thakur.
93. Smt. Vimla Arora. Presently posted at Meerut.

(Applicants Nos.84 to 92 are presently
at Head Quarters 3 Com, U.P. Area,
Dehradun, Uttaranchal)

(By None for the applicants)

...Applicants.

: Versus :

1. The Union of India,
Through its Secretary,
Ministry of Defence,
Sena Bhawan,
New Delhi.

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2. The Director General of Signals,
G.S. Branch Signal 4(C),
General Staff Branch,
Army Head Quarters,
Sena Bhawan,
New Delhi.
3. The Commanding Officer,
1, Army Head Quarters,
Signal Enclave,
New Delhi.
4. The Officer Commanding
3 Copy U.P. Area Signal Regiment,
Dehradun - 248003,
Uttaranchal State.
5. The Administrative Commandant,
Station Head Quarters Cell,
Dehradun - 248 003,
Uttaranchal State.
6. The Commandant,
IMA, Dehradun,
Uttaranchal State.
7. The Officer Commanding,
U.P. Area Signal Regiment,
Bareilly - 243001,
Uttar Pradesh.

... Respondents.

(By *Sh. Rajiv Bansal, Advocate*)O R D E R (ORAL)

BY HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

The relief sought for by the applicants in this OA is
as below:

"to issue appropriate orders and directions to the respondents to extend and grant to the applicants the benefit of the order dated 27.4.2002 passed by the Hon'ble Supreme Court of India in Civil Appeal No. 11736/1996 and as implemented by the Respondents in terms of the Order dated 16.2.2000 issued by the Government of India bearing No. B/44617/Sigs4(O)/691/CC/D/ read with letter No. 5256/RPS/Adm/Sigs/X dated 6.11.2000 annexed thereto in respect of the pay scale as revised from time to time, pay and all other consequential benefits and pass such other order or orders as may be deemed necessary in the interest of justice and equity."

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2. The applicants (93 in number) in this OA who civilian employees attached to Army Headquarters and some of the Station Headquarters are working as Telephone Operators/Civilian Switch Board Operators (CSBO) It is their complaint that they have been discriminated in the grant of pay scales in that while a few have been placed in the scale of Rs. 260 - 480/- (pre revised) those like the applicants have been only placed in the scale of Rs. 260/- 400/- . One Shri Ravinder Kumar Parashar similarly placed as the applicants and who was placed in the scale of Rs.. 260/- - 400/- approached the Jodhpur Bench of Tribunal in OA No. 133/1987 which was disposed of with the directions to grant the pay scale to him of Rs. 260/- - 480/- w.e.f. 1.4.77. This was given effect to. Same was the position in OA 1074/1989 filed by Uma Kant & Ors. Vs. Union of India & Ors. which was decided by Allahabad Bench of the Tribunal on 19.11.1992 giving the above relief which was also implemented. At the same time OA No. 239/1990 filed by Balraj Singh another similarly placed individual was dismissed by Chandigarh bench on 23.8.95. In SLP No. 11736/1996 filed against the said order of the Chandigarh Bench of the Tribunal, the Hon'ble Supreme Court directed on 27.4.2000 that the benefit granted by the Jodhpur Bench and Allahabad Bench of the Tribunal be given to the concerned applicant. This had been duly implemented after obtaining the sanction of the Hon'ble President of India. Thus it has been settled that those like the applicants had to be placed in the scale of Rs.260/- - 480/- duly revised from 1.1.86 to 1.1.96. The present applicants are working in the same cadre and borne on the same seniority list, have not been extended the same benefit. Their legal notice dated

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4.122001 was replied on ⁻⁷⁻29.12.2001 by the respondents stating that the matter was under consideration of the Army Headquarters. In between the pay scale of Rs. 260/- - Rs. 480/- came to be revised to Rs. 975/- - 1600/- and Rs. 3200 /- - 4900/- following the Pay Commission's recommendation. Besides the pay scales of Rs.5000 - 8000/- and Rs. 5500/- - 9000/- were also granted after completion of 16 years and 26 years of service respectively. Though the applicants fulfil all the conditions for being granted the above have not been given the benefit; on the specious plea that they were not parties in the earlier OAs.

3. In the reply filed on behalf of the respondents it pointed out that the decision of Hon'ble Supreme Court dated 27/4/200 in Civil Appeal No. 11736/96 was examined by the Govt of India, Ministry of Finance who have not approved the extending the benefit to the applicants. It was the consistent view of the DoPT and Ministry of Finance that the benefit of the judgement may not be extended to the non applicants. That being the position, no benefit can be given to present applicants.

4. During the personal hearing before us to-day Shri Rajiv Bansal, learned counsel appearing on behalf of the respondents points out that the applicants has no case at all as they cannot seek any benefit of the judgement of Jodhpur & Allahabad Benches as they were not parties in the concerned OAs.

5. We have carefully considered the matter. We find that the applicants are those similarly placed as the applicants in OA No. 133/1987 filed in Jodhpur Bench and OA No. 1074/1989 filed in Allahabad Bench were allowed with

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benefit to the applicants. They are also similarly placed like the applicants in OA No. 239/1990 before Chandigarh Bench of Tribunal, which was originally dismissed, but allowed by the Hon'ble Supreme Court in the said SLP No.11730/1996. The judgement of the Hon'ble Apex Court is as under:

" The appellant No. 1 is a union of civilian Switch Board Operators who are employed in the Defence Telephone Exchange. Initially they were accorded a pay scale of Rs.260-490. However, in 1986 reduced the pay scale of the appellants to Rs.260-400. This led to the appellants challenging the said order before Central Administrative Tribunal Chandigarh. Similar petitions were also filed before the Central Administrative Tribunal of Allahabad and Jodhpur by the Civilian Switch Board Operators in the Defence Telephone Exchange and those petitions were allowed and the Union of India did not challenge those orders, rather implemented those orders. However, in the present case, the Central Administrative Tribunal Chandigarh dismissed the OA filed by the appellants. It is against the said decision the appellants are in appeal before us.

At the time when the matter was taken up for hearing, learned Additional Solicitor General appearing for the Respondents filed a copy of the letter dated 25th April, 2000 sent by the Legal Cell, Headquarters Delhi informing that the orders and judgements given by the Central Administrative Tribunal, Jodhpur and Central Administrative Tribunal Allahabad have been implemented by the Respondents and on the basis of the said letter stated that the matter being identical, same relief be accorded to the appellants. In view of the aforesaid statement the appeal is allowed. The order and judgement under appeal is set aside. There shall be no order as to costs. The appellants are entitled to all consequential benefits, which they may be entitled under law."

6. The only reason for the respondents to deny the benefit to the applicants is that they were not themselves parties in the concerned OAs. This plea cannot be accepted. The Hon'ble Supreme court in the case of K C Sharma Vs UOI and also Inderpal Vs UOI [1985(2)SIR-248] have held that reliefs being granted to certain individuals in law cannot be denied to those who are similarly placed merely because they have not come to the court earlier. The Court has gone

on to declare that such benefits shall be automatically allowed to all those similarly placed, instead of forcing all to come to the Court. From the facts of the case it is evident that the applicants in this OA, are those similarly/identically placed with the applicants of the earlier OAs which have been allowed. They have been appointed in the similar manner and placed in the same seniority list all over the country and there is no reasons whatsoever as to benefit granted to those in OA No.133/87 and 1074/89 & SLP No. 11736/96 cannot be extended to this OA as well.

7. In the above view of the matter the OA succeeds and is accordingly allowed. The respondents are directed to place all the applicants in the pre-revised scale of Rs.260/- - 480/- from the date of their appointment with proper replacement scales, on the acceptance of the 4th & 5th Central Pay Commission recommendations. They would be entitled for notional fixation of the scale with increments. They would however, get the benefit of the arrears in the revised/upgraded scale of pay only from one year prior to filing of this OA i.e. the arrears would have to be worked out from 30.9.2001. This exercise shall be completed by the respondents within three months on receipt of certified copy of this order. No costs.

S. Raju
(Shanker Raju)
Member (J)

(Govindan S. Tampi)
Member (A)

Patwal/