

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1188/2002

New Delhi this the 14th day of May, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri V.K. Majotra, Member (A)

1. Sanjay Kumar Chadha
2. Rajeev Paul
3. Young Bahadur Khatri
4. Kiran Veer Singh
5. Mridula Singh Gour
6. Gurpreet Chawla
7. Khem Chand
(Applicant Nos 1 to 7 are working
in Central Excise Division I, II
III, E-5, Sector 1, NOIDA (UP))
8. Vipin Kumar Gupta
(Applicant No.8 is working in
Central Excise Divn. IV, CGO Complex,
Hapur Chungi, Ghaziabad (UP))
9. Sanjeev Gupta
10. Satish Bhatnoria
11. Mukesh Kumar
12. Manoj Kumar Raju
13. Kuldeep Singh
14. Veer Sain
15. Nitin Gupta
16. Pankaj Kumar Singh
17. Sunil Kumar Mittal
18. Rajesh Mittal
19. Ravi Kant Sharma
20. Mohit Nagar
21. Shweta Ramola
22. Ritu Bhargava

(Applicant No.9 to 22 are working in
Central Excise Headquarters B-123,
Sector-5, Noida (UP))

23. Rajesh Garg
24. Ajay Kumar Agarwal
25. Naveen Kumar Tyagi
26. Dinesh Chandra Kaushik
27. Devendra Kumar
28. Ashish Mahendra
29. Alka Sachdeva
30. Shami Rastogi
31. Harsh Wardhan Gopala
32. Kapil Dev

(Applicant Nos 23 to 32 are working in Division/Headquarter Mangal Pandey Nagar, Meerut (UP)).

33. Jaswant Singh
34. Anshuman Singh
35. Vinod Kumar Chauhan

(Applicant Nos.33-35 are working in Central Excise Division Rampur, Distt.Rampur, (UP))

36. Virendra Garg
37. Anil Kumar

(Applicant Nos.36-37 are working in Central Excise Division, Moradabad(UP))

(By Advocate Shri D.K. Garg)

...Applicants

VERSUS

1. Secretary,
Ministry of Finance,
Govt.of India, Department
of Revenue, New Delhi.
2. The Chairman,
Central Board of Excise and
Custom, North Block, New Delhi.

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...Respondents

O R D E R (ORAL)

(Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman(J)

The applicants, thirty seven in number, who are working as Data Entry Operators(DEOs) Grade 'A' in various Divisions/ Headquarters of the office of Respondent No.2 i.e. Central Board of Excise and Custom, claim that they have been denied the same scales of pay and wages which are being given to D.E.Os. Grade B discharging the same and similar duties, in spite of the recommendations of the Fourth Central Pay Commission to remove artificial classification classifying D.E.Os. into Grades 'A' and 'B' and to merge them into one grade.

2. Shri D.K.Garg, learned counsel has submitted that the aforesaid recommendations of the Pay Commission have been approved and implemented in various Departments of the Govt.of India, like the Department of Electronics, Indian Railways, Ministry of Defence, Department of Census etc. He has, submitted that, therefore, there has been ~~illegally~~ ^{by} discrimination against the applicants who are working in the Central Board of Excise and Customs Department for no fault of theirs, in not being granted the revised pay scale of Rs.4500-7000 w.e.f. 1.1.1986 or w.e.f. the date of their appointment or on the date from which they have acquired the requisite qualifications under the relevant Recruitment Rules. In this regard, learned counsel has drawn our attention to the legal notice issued by him on behalf of the applicants dated 28.7.2001 which he states has not been replied to by the respondents (Annexure P-7). Hence this

OA. Learned counsel for the applicant has relied on the provisions of Administrative Tribunals Act, 1985 read with Rule 6 of the Central Administrative Tribunal (Procedure) Rules, 1987 and the judgement of the Hon'ble Delhi High Court in **National Federation of Railway Porters, Vendors and Bearers and Ors. Vs. Union of India and Ors.** (Civil Writ Petition No. 6203/98) decided on 19.9.2001 regarding the jurisdiction of the Principal Bench of this Tribunal. He has submitted that the cause of action has partly arisen in New Delhi and it is, therefore, within the territorial jurisdiction of the Principal Bench of the Tribunal, as the necessary orders with regard to the claims raised by the applicants have to be issued from the office of Respondents at New Delhi.

3. Learned counsel has submitted that in the facts and circumstances of the case, he would be satisfied if a direction is given to the respondents to sympathetically consider the claim of the applicants to grant them the revised pay scales which has been brought out in the aforesaid legal notice dated 28.7.2001 and also to grant them all consequential benefits in accordance with the relevant Rules.

4. In the circumstances of the case, we consider it appropriate to dispose of this OA with the following directions:-

The respondents shall consider the aforesaid representations of the applicants

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together with the facts and grounds taken by them in the present OA and pass a reasoned and speaking order, within three months from the date of receipt of a copy of this order, with intimation to the applicants.

No order to costs

V.K.Majotra
(V.K.Majotra)
Member (A)

Lakshmi Swaminathan
(Smt.Lakshmi Swaminathan)
Vice Chairman (J)

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