

Central Administrative Tribunal, Principal Bench

Original Application No.3239 of 2001

M.A.No.2674 of 2001

New Delhi, this the 4th day of December, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. S. A. T. Rizvi, Member(A)

1. Shri K.K. Sharma
S/o Shri O.C. Sharma
R/o A-69, Jai Shiv Apartments
C-2, West Enclave, Pitam Pura,
Delhi-34
2. Shri Banta Singh
S/o Shri Jaini Ram
R/o Village & P.O. Kablana
District Jhajjar, Haryana
3. Shri S.K. Sharma
S/o Shri R.K. Sharma
R/o D-156, Gali No. 70
Arya Samaj Road,
Uttam Nagar, Delhi
4. Shri K.C. Gupta,
S/o Shri R.L. Gupta,
R/o III-F/725, Vaishali
Ghaziabad(U.P.)
5. Shri H.J. Singh
S/o Shri Joginder Singh,
R/o 2/11, M.C.D. Flat,
South Extension Part-II
New Delhi-49
6. Shri V.P. Sharma
S/o Shri O.P. Sharma
R/o E-150, New Vijay Nagar,
Sector-9, Ghaziabad(U.P.)
7. Shri Rajesh Kumar,
S/o late Shri Kabool Singh
R/o F-652, Dakshin Puri
Delhi
8. Shri Gopal
S/o late Shri Bahu Lal,
R/o 21/473, Trilok Puri,
Delhi-92

- Applicants

(By Advocate: Shri S.K. Gupta)

Versus

1. Govt. of NCT of Delhi
Through Chief Secretary
Delhi Secretariat
I.P. Estate, New Delhi-2
2. Principal Secretary(Home)
Delhi Secretariat
I.P. Estate, New Delhi-2

3. Chief Fire Officer,
Delhi Fire Service Headquarters
Connaught Circus
New Delhi-1

4. Shri K.K. Dahiya
Assistant Commissioner (Fire)
Delhi Fire Service
Fire Headquarters
Connaught Circus
New Delhi-1

- Respondents

O R D E R (ORAL)

By Hon'ble Mr. S.A.T. Rizvi, Member (A)

M.A. 2674/2001 for joining together in a single application, is allowed.

2. Applicants, eight in number, all Radio Telephone Operators (in short 'RTOs') seek a direction to the respondents to place them in the higher pay scale of Radio Operators by quashing and setting aside the office order dated 2.3.2001 (Annexure A-6) by which the respondent no. 4 has restricted the benefit of the decision taken by this Tribunal on 6.10.99 in OA No. 983/95, only to those who were applicants in that OA.

3. By the order passed in the aforesaid OA, 35 RTOs were granted the benefit of placement in the higher pay scale applicable to Radio Operators. The aforesaid order of 6.10.99 passed in the aforesaid OA was agitated before the High Court of Delhi which has refused to stay the implementation of the aforesaid order and the matter is currently pending before that court. When the matter was taken up before the Supreme Court through the route of a contempt petition filed on behalf of the applicants in the aforesaid OA, the Supreme Court also refrained from passing

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an order of stay with reference to the conviction of the respondent no.4. However, the apex court verbally directed the respondent authority to grant higher scale of pay to the applicants in that OA. This led to passing of the office order dated 20.2.2001 (Annexure A-4) by which all the 35 applicants in that OA were granted the higher pay scale of Rs.4000-6000 which is the replacement scale of the higher scale of Rs.380-560/1320-2040. The aforesaid office order having been passed, the Chief Fire Officer, respondent no.3 herein referred the matter to respondent no.2 to consider extending the same benefit in favour of the present applicants. This was not allowed and as stated by the office order dated 2.3.2001 (Annexure A-6), the benefit was ^{* consciously *} limited to the applicants in the aforesaid OA No.983/95.

4. The learned counsel appearing on behalf of the applicants submits that since the applicants are all senior to one Shri Javed Hussain who is at the bottom of the final seniority list of RTOs placed at Annexure A-9, ^{& and who has already been placed in the higher scale &} the benefit of the higher scale of pay should have been granted to the applicants as well. The learned counsel, in support of his contention, relied on Ashwini Kumar & ors. vs. State of Bihar & ors. ^{& which was} decided by the Supreme Court (1997 SCC L&S 267) by laying down that those who had failed to approach the court, cannot be ignored and all affected persons whether parties or not, are required to be included for the purpose of grant of [&] relief. By relying on the aforesaid law laid down by the Supreme Court, this Tribunal has also decided a case bearing OA No.419/2000 on 4.7.2000

granting a similar relief to the applicant - Stenographer grade 'D' in that OA.

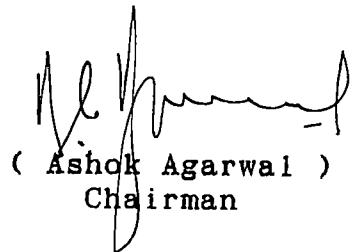
5. To secure redressal of their grievance, the applicants have served legal notices dated 6.9.2001 on the respondents 1 to 3. Separately each individual applicant has also filed a representation before the respondent No.3 by taking the very same grounds which have been taken in the aforesaid legal notices. The respondents have yet to act in the matter.

6. After considering the submissions made by the learned counsel and the aforestated facts and circumstances, we find that it will be just and proper to dispose of the present OA at this very stage without issuing notices with a direction to the respondents to consider all the aforesaid representations and legal notices and pass a reasoned and a speaking order in the matter as expeditiously as possible and in any event within a period of one month from the date of receipt of a copy of the order. While considering the aforesaid representations, the respondents will have full regard to the contents of the present OA. We direct accordingly.

Issue DASTI order.



(S.A.T. Rizvi)
Member(A)


(Ashok Agarwal)
Chairman