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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 3316/2001 &
MA No. 2749/2001

House, Copernicus Marg,
Delhi - 110 001

NEW DELHI, THIS THE 12TH DAY OF DECEMBER, 2001. 2001

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. S. A. T. RIZVI, MEMBER(A)

1. Sh. S.C.Saini
Son of Shri Jai Kishan
Employee Code No. A057273
 2. Sh. Promola Wadhwa
W/o of Sh. Prem Nath
Employee code No. A056867
 3. Smt. Laxmi Gupta
W/O Sh. A.K.Gupta
Employee code No. A056797
 4. Sh. J.K.Paliwal
Son of Sh. B.L.Paliwal
Employee code No. A057088
 5. Smt. Devki Devi.
W/O Sh. Bahadur Singh
Employee code No. A057020
 6. Smt. Chander Prabha
W/O Tilak Raj
Employee code No. A056768
 7. Smt. Poonam Vaid
W/O Sh. Pradeep Vaid
Employee code No. A056784
 8. Smt. Mamta Rani Sharma
W/O Sh. Arun Sharma
Employee code No. A056966
 9. Smt. R.B.Gupta
W/O Sh. Hari Kishan
Employee code No. A056911
- R.S.

10. Smt. Tara Nirmal
W/O late Sh.D.P.Nirwal
Employee code No. A056883
11. Sh. K.S.Pathania
son of Sh. O.S.Pathania
Employee code No. A057174
12. Smt. Nirmal Kurana
W/O Sh. S.K.Kurana
Employee code No. A058654
13. Smt. Krishna Gandhi
W/O Sh. O.P.Gandhi
Employee code No. A056982
14. Smt. Sudershan Sharma
W/O Sh. J.M.Sharma
Employee code No. A056979
15. Smt. S.V.Bhople
W/O Late Sh. V.D.Bhople
Employee code No. A056908
16. Smt. Jaswinder Kaur
W/O Sh. Amarjeet Singh
Employee code No. A056809
17. Smt. Sushma Sodhi
W/O Sh. Anil Sodhi
Employee code No. A057062
18. Smt. P.R.Pathak
W/O sh. O.P.Pathak
Employee code No. A056937
19. Smt. Asha Rani
W/O Sh. R.K.Teji
Employee code No. A056825
20. Smt. Veena Kandhari
W/O Sh. Shatish Kandhari
Employee code No. A056870

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21. Smt. Joginder Kaur
W/O Mahinder Singh
Employee code No. A056528
22. Ms. Varsha Chopra
D/O Sh. O.N.Chopra
Employee code No. A056726
23. Smt. A.K.Walia
W/O Sh. Surjeet Singh
Employee code No. A056700
24. Sh. Mahinder Singh
Son of Late Sh. Risal Singh
Employee code No. A056359
25. Smt. Maya Mirchandani
W/O Sh. Hari Mirchandani
Employee code No. A056656
26. Smt. Prem Lata Sharma
W/O Lata Sh. S.C.Sharma
Employee code No. A056627
27. Smt. V.Meshram
W/O Sh. P.P.Mesram
Employee code No. A056669
28. Smt. Chanchal Walia
W/O K.D.Walia
Employee code No. A056544
29. Smt. Kamla Rani
W/O Sh. Mukhtiar Singh
Employee code No. A056531
30. Smt. Shashi Jain
W/O Sh. Rajiv Jain
Employee code No. A050849
31. Sh. A.K.Srivastava
son of Late Sh. R.P.Srivastava
Employee code No. A158211

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32. Sh. R.K.Sharma
Son of Sh. Neter Pal Sharma
Employee code No. A050609

33. Sh. R.N.Sharma
Son of Late Sh. Rengai Ram
Employee code No. A050571

All C/O
Joint Secretary (Training) & C A O ,
Ministry of Defence,
C-II, Hutments,
New Delhi

Applicants

(BY ADVOCATE SHRI PRAMODKR.SHARMA)

Versus

Union of India
Through

1. Secretary
Department of Expenditure
Ministry of Finance,
North Block, New Delhi
2. Secretary
Ministry of Defence,
New Delhi
3. Joint Secretary (Training) & C A O ,
Ministry of Defence,
C-II, Hutments,
New Delhi

Respondents

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ORDER (ORAL)

JUSTICE ASHOK AGARWAL:

MA No.2749/2001

MA No.2749/2001 for joining together in a single OA is granted.

2. Applicants 33 in number have approached this Tribunal with a prayer to direct the respondents to refix their revised EDP pay scales with effect from 1.1.1986 instead of 11.9.1989 when they were granted the revised pay scale.

3. Applicant Nos.1 to 29 are employed as Technical Clerk (LD) & (UD). Applicant Nos.30 to 33 are employed as Technical Assistant and have since been redesignated as Data Entry Operators Grades A, B & C, Data Processing Assistant and Junior Programme/Programmers in the Ministry of Defence, Government of India, respondent No.3 herein.

4. In pursuance of the recommendations made by the Fourth Central Pay Commission, a committee was constituted in 1986 with Dr.N.Sheshgiri as its Chairman which made recommendations with regard to the posts and the pay scales in the Electronic Data Processing (EDP) organisation in the Government of India. Aforesaid recommendations were later accepted and revised pay scales were directed to be granted with effect from 11.9.1989. Applicants by the present

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OA seek direction to grant them this pay scale with effect from 1.1.1986 in place of 11.9.1989. Applicants in the present OA, we find are similarly placed as the applicants in the case of Rajender Kumar Pareek & ors. v. Union of India & anr., OA No.351/1999 decided on 16.2.2000 at Annexure A1 and in the case of Chandu Lal & ors. v. Secretary, Department of Expenditure & ors. OA No.1325/1998 decided on 1.5.2000 at page 23. Prayer contained in the present OA has been granted in the aforesaid OAs. By their representation of 7.6.2001 at Annexure A-4, applicants herein have prayed for extending the benefit of the aforesaid orders to them also. Aforesaid representation was followed by a legal notice of 8.11.2001 at A-5. No decision thereon has so far been taken. The Supreme Court in the case of Inderpal Yadav v. Union of India, 1985(2) SLJ 58 has, inter alia, ruled that those who could not come to the court need not be at a comparative disadvantage to those who rushed in here. If they are otherwise similarly situated, they are entitled to similar treatment if not by anyone else at the hands of this court. This Tribunal (Jabalpur Bench) in the case of R.Sundera Raman v. Union of India, ATR 1990 (1) CAT 136 has ruled that denial of benefit to a person not party to earlier litigation though similarly placed amounts to discrimination. Aforesaid decisions as also other decisions in the field have accordingly ruled that benefits of judgements rendered by courts should inure not only to the applicants before the court but to others who are similarly placed.

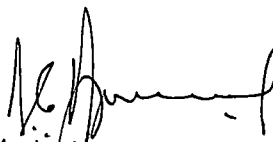
N.S.D.

5. Since aforesaid representation of the applicants as also legal notice have not been replied to, we find that it would in the interest of justice to dispose of the present OA at this stage itself even without issuance of notices with a direction to the respondents to pass a reasoned and speaking order on the said representation and the legal notice in the light of the observations made herein and grant the requisite relief, if according to the respondents applicants herein are entitled to the same expeditiously and in any event within a period of three months from the date of service of a copy of this order. We direct accordingly.

6. Present OA is disposed of in the aforestated terms.

Issue dasti.


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


(Ashok Agarwal)
Chairman

/sns/