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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

Original Application No.1239/99

New Delhi, this the 29th day of September, 2000.

HON'BLE MR. KULDIP SINGH, MEMBER (J)

HON'BLE MR. S.A.T. RIZVI, MEMBER (A)

1. Mrs. Hem Dube
2. Mrs. Shashi Bala
3. Mrs. Chandra Prabha Gupta
4. Sh. Ramesh Chandra Sharma
5. Sh. Raj Kumar - II
6. Sh. Madan Lal
7. Mrs. Neelam Katyal
8. Mrs. Rajesh Malhotra
9. Mrs. Santosh Nangia
10. Mrs. Yash Chowdhary
11. Mrs. Shobha Gulati
12. Mrs. Santosh Bihal
13. Mr. Raj Kumar - I
14. Mrs. Shashi Sharma
15. Mr. Hira Lal

All C/O Central Electricity Authority
Sewa Bhawan, R.K.Puram, New Delhi.

(By Mrs. Shyamla Pappu withApplicants.
Sh. M.R.Krishna Murti)

VERSUS

1. Union of India, through Secretary,
Ministry of Power, New Delhi.
2. Central Electricity Authority, Sewa
Bhawan, R.K.Puram, New Delhi.
(By Sh. V.S.R.Krishna)Respondents.

ORDER

delivered by Hon'ble Mr. S.A.T.Rizvi, Member (A):

Through this OA, the applicants, 15 in number, all working in the Central Electricity Authority, New Delhi are seeking a two fold relief. These applicants are working as

[Signature]

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Data Entry Operator (DEO) in Grade 'B' (since converted to Grade 'C') in the said authority in the Ministry of Power, Govt. of India and they are all direct recruits in the said grade. By virtue of the number of years which each of them has put in, they have become entitled to be considered for promotion to the higher grade, namely, Grade 'D'. According to the applicants, by now, they could have moved further up through promotion to Grade 'E'. However, at present, they are, as stated, in the amalgamated Grade 'C' carrying the revised pay scale of Rs.4500-7000/-, after the implementation of the 5th Pay Commission report. They have not been promoted to Grade 'D' so far and this is their first grievance. The next grievance is with regard to the date from which they should have been placed in Grade 'B'. They were getting salary in the pay scale of Rs.1350-2000/- which, in their case, has been made effective from 11.9.89. As in several other comparable cases, the said scale of pay should have been given according to them instead from 1.1.86.

2. The respondents have denied that the applicants are entitled to the grant of the above-mentioned scale of pay from 1.1.86. In regard to the other grievance, the respondents' submission is that the applicants have never represented in the matter and, therefore, they should be deemed to have approached this Tribunal pre-maturely without first exhausting the departmental remedies available to them.

3. We have heard the learned counsel for both the parties and have perused the material placed on record.

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4. The applicants have, for the purpose of grant of the above-mentioned scale of pay from 1.1.86, relied on this Tribunal's order in Balbir Singh & Others Vs. Union of India & Others (OA-665/96), decided on 14.8.96. The matter dealt with by the Tribunal in that OA was similar to the matter under consideration in this OA. That OA was disposed of with a direction to the respondents to grant the scales of pay in question w.e.f. 1.1.86 instead of 11.9.89 with consequential monetary benefits. From a copy of Central Electricity Authority (CEA) OM dated 19.3.99 placed on record, it would seem that the representation of the first applicant in this OA, namely, Mrs. Hem Dube for the grant of the said pay scale from 1.1.86, was turned down on the plea that she was not an applicant in another OA decided by this Tribunal in respect of the EDP personnel working in the NSSO to which a reference has been made in the CEA's OM dated 19.3.99. The ground taken, therefore, is of a purely technical nature and we take it that the representation was not rejected on merits. The OA in question to which a reference has been made in the said OM, is precisely the same OA (No.665/96) we have already referred to. Glancing through the order of this Tribunal passed in OA-665/96, we find that a similar relief for the grant of pay scale from 1.1.86 has been given in OA Nos. 625/90 and 725/90 also. The respondents raised the question of limitation saying that since the applicants have relied on the order dated 14.8.96 of this Tribunal passed in OA-665/96, the present application filed in 1999 would seem to be hopelessly time barred. In respect of this, we are in agreement with the learned counsel for the applicants that the matter in dispute has given rise to a

continuing grievance as it is about the grant of a pay scale from a certain date and, on this bases, the plea of limitation is negatived.

5. Insofar as the other grievance of the applicants is concerned, we find ourselves in agreement with the respondents that the existing departmental remedies are yet to be exhausted and the application insofar as it relates to that grievance, is pre-mature.

6. In the result, the OA partly succeeds and is disposed of with the following directions to the respondents.

7. The respondents will consider and pass orders for the grant of the desired pay scale to the applicants from 1.1.86 instead of 11.9.89 in accordance with the decision taken by the co-ordinate Bench of this Tribunal in OA-665/96. They should issue appropriate orders in this regard within a period of one month from the date of receipt of a copy of this order.

8. The applicants are free to seek further remedy with the departmental authorities and they can approach this Tribunal in due course in terms of the relevant provisions of the Administrative Tribunals Act, 1985.

There shall be no order as to costs.

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

(Kuldip Singh)
Member (J)

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