

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 1251/99

New Delhi: this the 18 day of July, 2000. (11)

HON'BLE MR. S.R. ADIGE VICE CHAIRMAN(A):

HON'BLE MR. KULDIP SINGH MEMBER(J)

Shri S.C. Garg,
S/o Late Shri Banarsi Das,

working as Sr. Comptometer,
Central Electricity Authority,

Sewa Bhavan, R.K.Puram,
New Delhi-66.

.....Applicant!

(By Advocate: Shri K.L. Bhandula)

Versus

1. Secretary to the Govt. of India,

Ministry of Power,
Shram Shakti Bhavan,
New Delhi-1

2. The Chairman,

Central Electricity Authority,
Sewa Bhavan, R.K.Puram,
New Delhi-66

3. Secretary to the

Govt. of India,
Ministry of Finance,
(Dept. of Expenditure),
North Block,
New Delhi-1

...Respondents!

(By Advocate: Shri Rajinder Nischal)

ORDER

Mr. S.R. Adige, VC(A):

Applicant impugns respondents' order dated 18.2.99 (Annexure-I) rejecting applicant's representation dated 5.6.98 (Annexure-II) for grant of the scale of Rs. 425-700 (pre-revised) granted to one Shri Mahinder Singh, whom applicant contends is identically placed as himself.

2. Heard both parties.

(2)

3. Respondents in their reply state that applicant has been denied the pay scale granted to Shri Mohinder Singh on the ground that the aforementioned pay scale was granted to Shri Mohinder Singh pursuant to certain court orders to which applicant was not a party. Merely because applicant was not a party to those court cases, cannot be sufficient ground to deny him the benefits granted to Shri Mohinder Singh if applicant is similarly placed as Shri Mohinder Singh in terms of parameters such as duties, responsibilities, educational qualifications, work load and performance output. Respondents in their reply while giving certain reasons why applicant's case cannot be compared with that of Shri Mohinder Singh, nowhere deny that applicant is similarly placed in terms of the aforementioned parameters.

4. Respondents have contended that the OA is hit by limitation, because applicant had not made any mention of the rejection of his earlier representation vide respondents' Memo dated 19.14.1995 (Annexure-I to respondents' reply), but that Memo itself was a bald and cryptic one which gave no reasons why applicant's prayer for grant of higher scale was being rejected, although applicant was entitled to know the reasons. Indeed, even the impugned orders dated 18.2.99 are bald, cryptic and give no reasons.

5. In the result this OA succeeds and is allowed to the extent that the impugned order dated 18.2.99 is quashed and set aside. From the pleadings we note

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(B)

that Shri Mohinder Singh entered the pay scale of Rs.330-560 on 4.1.74 and upon his prayer for the higher pay scale of Rs.425-700 being allowed as a result of court orders, he was granted the scale of Rs.425-700 w.e.f. 4.1.74 on personal basis notionally w.e.f. 4.1.74 and actually w.e.f. 12.9.89. Accordingly applicant shall also be entitled to the pay scale of Rs.425-700 with effect from the date he entered the pay scale of Rs.330-560, but this entitlement shall be only on notional and personal basis and as applicant in his representation dated 5.6.98 has himself consented to forgo arrears of pay and allowances, no arrears consequent to such refixation shall be payable to him. Applicant's pay should be refixed accordingly within 3 months from the date of receipt of a copy of this order.

6. This OA succeeds and is allowed with the directions contained in para 5 above. No costs.


(KULDIP SINGH)
MEMBER (J).


(S.R. ADIGE)
VICE CHAIRMAN (A).

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