

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI.

C.A.No. 351/1999
New Delhi: this the 16 day of February, 2000.

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

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

1. Rajender Kumar Pareek
S/o late Shri R. R. Pareek
R/o BD-998, Sarojini Nager
New Delhi.
2. Tapan Banerjee
S/o Sh. C.L. Banerjee
R/o 8/840, R.K. Puram
New Delhi.
3. Haremani Samwal
S/o Sh. Bhawani Dutt
R/o A-207, Kidwai Nager
New Delhi.
4. Yog Raj Khullar
S/o Sh. L.L. Khullar
R/o C-512, Sarojini Nager
New Delhi.
5. R.K. Trikha
S/o Sh. R.N. Trikha
R/o C-III/239, Lodi Colony
New Delhi.
6. Prakash Chand
S/o late Sh. Jaya Nand
R/o C-II/92, Lodi Colony
New Delhi.
7. Vishwanath Prasad Mathur
S/o late Sh. Durga Prasad Mathur
R/o D-104, Sarojini Nager
New Delhi.

(12)

8. Ramesh Parmar
S/o Sh. S.S. Parmar
R/o G/693, Mandir Marg
Gole Market,
New Delhi.
9. Smt. Kanta Neb
W/o Sh. D.R. Neb
R/o J-97, Saket
New Delhi.
10. T.R. Sachdeva
S/o late Sh. Hardyal Sachdeva
R/o H.No. X/255, Sec. 8,
Raghubar pura-2
Chandhi Nager,
Delhi.
11. Hari Singh Rathore
S/o late Sh. B.R. Rathore
R/o F-74, Nanak Pura
New Delhi.
12. Ashok Kumar Dheman
S/o Sh. Madan Lal
R/o B-12, Krishna Nager
Delhi.
13. R.K. Rana
S/o Sh. Bhola Ram
R/o D-334, Moti Bagh-I
New Delhi.
14. Smt. Urmil Duneja
W/o late Sh. M.R. Duneja
R/o H-208, Nanak Pura
New Delhi.
15. R.S. Narang
S/o Sh. H.R. Narang
R/o 109 B, Sector-IV
Pushp Vibhar
New Delhi.
16. Ramesh Mohar Garg
S/o Sh. B.P. Garg
R/o GI-761, Sarojini Nager
New Delhi.

17. Smt. Manjeet Sarna
W/o Sh. M.S. Sarna
R/o B-12/106, Double Story
Dev Nager,
New Delhi.
18. Smt. Ved prabha Chadha
W/o Sh. R.C. Chadha
R/o B-13/2, Double Story
Dev Nager,
New Delhi.
19. Smt. Chander Rani Sikka
W/o Sh. M.K. Sikka
R/o 446, Pocket C-8
Sector - 8,
Rohini,
20. Ram Gopal
S/o Sh. Chattar
R/o Village Sarurpur
Post Office Gonchhi
Distt. Faridabad.
21. S.K. Kapoor
S/o Late Sh. S.S. Kapoor
R/o P-1337, Lodi Complex
New Delhi.
22. Yudhister Kumar
S/o late Sh. Udho Dass
R/o B-15, Brij Vihar
Pritam Pura
New Delhi.
23. Sh. J.C. Sachdeva
S/o Late Sh. Punnu Ram
R/o 15 A, Ayodhiya Enclave
Sector-13
Rohini, Delhi.
24. Sh. Rajinder Kumar
S/o Sh. Rattan Singh
R/o A-31, Dev Kunj Nager-II
Palam Colony
New Delhi.
25. Balwant Singh
S/o Inder Singh
R/o H-302, Nanakpura,
New Delhi.

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26. Dev Dutt Sharma
S/o Late Shri M.L. Sharma
R/o J-447, Sarojini Nager
New Delhi.
27. Balbir Singh
S/o Sh. Sultan Singh
R/o I-324, Sarojini Nager
New Delhi.
28. Smt. Susham Baijal
W/o Sh. Anil Baijal
R/o J-318, Himgiri
Apartment, Vikas Puri
New Delhi.
29. Sh. Gulshan Rai
S/o late Sh. Harbans Lal,
R/OA-4/539, Paschim Vihar
New Delhi.
30. Smt. Sudershan Gulati
W/o Sh. J.R. Gulati
R/o D-773, Mandir Marg,
New Delhi.
31. Smt. S.K. Sharma
W/o Sh. K.L. Sharma
R/o 2847, Netaji Nager
New Delhi.
32. Smt. R.B. Eliah
W/o Sh. P.B. Eliah
R/o 4/51, R.K. Puram
New Delhi.
33. R.T. Hooda
S/o Sh. Ram Mehar
R/o 8/831, R.K. Puram
New Delhi.
34. Kewal Krishan
S/o late Sh. Hans Raj
R/o 274/5, R.K. Puram
New Delhi.

35. Satish Chander Mehta
S/o Sh. Arjun Dev Mehta
R/o M-23, Kasturba Appartment
Pritam Pura,
New Delhi.
36. N.L. Khurana
S/o late Sh. Harnam Das
R/o 1206, Krishan Mandir
Wall Gali,
Nazafgarh,
New Delhi.
37. Smt. Darshan Bhalla
W/o Sh. S.K. Bhalla
R/o N-6, Sri Niwas Puri
New Delhi.
38. Smt. Tripta Burman
W/o Sh. S.K. Burman
R/o F-128, Moti Bagh
New Delhi.
39. Smt. Avinash Rishi
W/o Sh. C.P. Rishi
R/o 1/652, R.K. Pura
New Delhi.
40. Smt. Shashi Khanna
W/o Gate Sh. Lalit Khanna
R/o GH-13/1015, Guru
Harkishan Nagar,
Delhi.
41. Prem Singh
S/o Sh. T.S. Aswal
R/o H-58, Nanak Pura
New Delhi.
42. Pushp Kumar
S/o Sh. Mansha Ram
R/o 267, Rampura,
Pilkhuwa,
(U.P.)

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43. Subhash Chand
S/o Sh. J.P. Jain
R/o GI-935, Sarojini Nagar
New Delhi.
44. Smt. Neelam Taneja
W/o Sh. R.K. Taneja
R/o 5/1510, R.K. Puram
New Delhi.
45. Harinder Singh Bisht
S/o Shri M.S. Bisht
R/o D-479, Kidwai Nagar
New Delhi.
46. Devender Kumar
S/o Sh. Ranbir Singh
B, Church Road,
Bhogal
New Delhi.
47. S.K. Prasad
S/o Sh. P.N. Prasad
R/o RZ/S-49, Viswash Park
Uttam Nagar
New Delhi.
48. Smt. Darshan Nandwani
W/o Sh. K.L. Nandwani
R/o 2/77, Subhash Nagar
New Delhi.
49. Jawahar Singh
S/o late Sh. Khacheru Singh
R/o 17-G, Sector-IV
DIZ Area,
New Delhi.
50. Umesh Chand Govila
S/o Late Sh. H.P. Govila
R/o 63-D, CGH Complex
Vasant Vihar,
New Delhi.
51. Satish Kumar
S/o Sh. Kundan Lal
R/o A-339, Moti Bagh-I
New Delhi.

52. Devinder Kumar (I)
S/o Sh. Sunder Lal
R/o 219, Hari Nager
Ashram,
New Delhi.
53. R. S. Rathore
S/o Sh. B.N. Rathore
S/90A, Sunder Block
Shakarpur,
Delhi.
54. D.S. Rautela
S/o Sh. Madhoo Singh
R/o IX/610, R.K. Puram
New Delhi.
55. Smt. Hemlata Radhwani
W/o Shri Narender Radhwani
R/o C-II/F21, Lodi Colony
New Delhi.
56. R. S. Thakur
S/o Sh. R.R. Thakur
R/o AB-878, Sarojini Nager
New Delhi.
57. Smt. Asha Sachdeva
S/o Sh. Pradeep Sachdeva
R/o 5/1043, R.K. Puram
New Delhi.
58. Rajinder Kumar Shabhawal
S/o Sh. B.D. Sabharwal
R/o F-2944, Netaji Nager
New Delhi.
59. Smt. Tarinder Kaur
W/o Sh. Harinder Singh Chadha
R/o A-3/31, Janak Puri
New Delhi.
60. Vindeshwar Singh Yadav
S/o Sh. S.D. Yadav
R/o 3560A, Jatwara,
Darya Ganj,
Delhi,

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61. Smt. Vinita Sablok
W/o Sh. Harish Sablok
R/o 23/3A, Moti Nager,
New Delhi.
62. Smt. Parvinder Gulati
W/o Sh. Pramod Kumar
R/o 2A/56, Ramesh Nager
New Delhi.
63. Smt. Savitri Nayal
W/o Shri Yadav Singh
R/o Type-II, Sector-II/829
Sadiq Nager
New Delhi.
64. Smt. Neeru Jain
W/o Shri Rajiv Jain
R/o DD-50, Shalimar Bagh
Delhi.
65. Smt. Sujata Obroi
W/o Sh. Rajesh Obroi
R/o 6119/1/7, Dev Nager
New Delhi.
66. Smt. Promila Bhatti
W/o Sh. Sudhir Bhatti
R/o 9C, Janta Flats,
Punjabi Bagh,
New Delhi.
67. Smt. Tripta Soni
W/o Sh. Anil Kumar Soni
R/o A/68 PKT 'A'
Mayur Nihar Ph-II
Delhi.
68. Sanjay Talwar
S/o Sh. Krishan Lal Talwar
R/o 87-B, Shalimar Bagh,
New Delhi.
69. Krishan Pal
S/o Sh. Jhanku Ram
R/o D/24/428, Loni Road
Gokulpur, Shahdra
Delhi.

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70. Ishwar Singh
S/o Sh. Mahetab Singh
R/o 5/952, R.K. Puram
New Delhi.
71. Madan Mohan
S/o Sh. Bachi Ram
R/o D-453, Kidwai Nager
New Delhi.
72. Rameshwar Dass
S/o Hukam Chand
R/o LIG 94 Hastai
New Delhi.
73. Daya Shankar
S/o late Sh. Hari Prasad Pandey
F-229, Moti Bagh-I
New Delhi.
74. M.C. Sharma
S/o Sh. K.L. Sharma
R/o C-11/40, Sector-5
Rohini
Delhi.
75. Prem Lal
S/o Sh. Sher Singh
R/o 292, Vill. & P.O.
Bakhtawarpur,
Delhi.
76. Smt. Kamlesh Kandpal
W/o Sh. K.K. Kandpal
R/o Sector-I/649 R.K. Puram
New Delhi.
77. Nathu Ram Kumar
S/o late Sh. Kundan Lal
R/o 4/703, Timar Pur
Delhi.
78. M.S. Verma
S/o Sh. Ghanshyam Dass
BH-125(East) Shalimar Bagh
Delhi.

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79. Smt. Kuljeet Kaur Anand
W/o Sh. R. S. Anand
R/o G-14, Nanakpura
New Delhi.
80. Ram Kanwar
S/o Late Sh. Bharat Singh Hooda
R/o 5/390, R.K. Puram,
New Delhi.
81. Rajinder Singh
S/o late Sh. R. B. Singh
R/o D-389, Moti Bagh-I
New Delhi.
82. Vivek Tyagi
S/o Sh. P. P. Tyagi
R/o F-40, Nanak Pura
New Delhi.
83. Smt. C.K. Saini
W/o Sh. G.M. Saini
R/o A-8, Brij Vihar,
Pritam Pura,
Delhi-110034
84. Smt. Mithlesh Bhardwaj
W/o V.D. Bhardwaj,
R/o 16/40, Old Rajinder Nagar
New Delhi.
85. Shashi Bhushan
S/o Sh. Vachaspati Sharma
R/o F-2989, Netaji Nagar
New Delhi.
86. R.K. Kaushal
S/o Sh. R.N. Kaushal
R/o V/1056, R.K. Puram
New Delhi.
87. Mahavir Krishan
S/o Sh. N.D. Wadera
R/o H-226, Nanak Pura
New Delhi.
88. Smt. Naishrity Mathur
W/o Sh. Raj Kumar Mathur
R/o 3658, Gali Lohey Wali
Chawari Bazar,
Delhi.

89. Smt. Usha Rana
W/o Sh. Virender Singh Rana
R/o G-329, Srinivas Puri,
New Delhi.
90. P.S. Jain
S/o Sh. C.D. Jain
R/o A-89, Moti Bagh-I
New Delhi.
91. Smt. Sharda Budhiraja
W/o late Sh. K.S. Budhiraja,
R/o A-14D, DDA Flats,
Munirka,
New Delhi.
92. Smt. Tajinder Kaur
W/o Sh. Parveen Khurana
R/o Type-II/27, North East
Moti Bagh,
New Delhi.
93. Smt. Rajshri
W/o Sh. Sudhir Kumar
R/o C-III/193, Lodi Colony
New Delhi.
94. Smt. Durgesh Nandani Sharma
W/o Sh. S.D. Sharma
R/o 1/1572, Mansarovar Park
New Delhi.
95. Sunil Dawar
S/o late Shri K.D. Dawar
R/o A-205, Kidwai Nager(East)
New Delhi.
96. Kamal Kishore
S/o Sh. Rajender Pratap Gupta
R/o W3/104, Naraina,
New Delhi.
97. Smt. Veena Lalit
W/o Sh. G.C. Lalit
R/o 635/16, New Basti
Gurgaon,
Haryana.
98. Mukesh Kumar
S/o Sh. Badri Prasad
R/o 3631, Ram Nager Extn.
Shahdra.

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99. Angrez Singh
S/o Sh. Mukhtiar Singh
R/o 5-911, R.K. Puram
New Delhi.
100. Nanak Chand Kaushik
S/o Sh. Chander pal
R/o D-138, Moti Bagh
New Delhi.
101. Smt. Sneh Kanta Maini
W/o Sh. J.L. Maini
R/o 7/1B, Mandir Marg
New Delhi.
102. Smt. Taranjeet Kaur Sama
W/o Sh. P.J. Singh
R/o 33L, Vasant Vihar
CGH Complex
New Delhi.
103. Smt. Bimla Rani
W/o Sh. Om Prakash
R/o 2/62, Kavita Colony
Nagloi
Delhi.
104. Smt. Sushma Gupta
W/o Sh. Anil Gupta
R/o Pocket R/66A,
Dilshad Garden
Delhi.
105. Sohan Singh Rawat
S/o late Sh. Balwant Singh
R/o C4C/384, Janak puri
New Delhi.
106. Dharamvir Singh
S/o Sh. Hari Ram,
R/o Sector 5/746, R.K. Puram
New Delhi.

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107. Smt. Parvesh Uppal,
W/o Sh. K. L. Uppal,
R/o ED 136/2, Tagore Garden,
New Delhi.

108. Smt. Saroj Chopra,
W/o Sh. I. M. Chopra,
R/o Sector VIII, 365,
R. K. Puram,
New Delhi

..... Applicants

(By Advocate: Shri P. P. Khurana).

Versus

1. Union of India,
through its Secretary,
Ministry of Defence,
New Delhi.

2. J. S. (Trg.) & CAO,
Ministry of Defence,
C-II, Hume Road,
New Delhi

... Respondents.

(By Advocate: Shri K. K. Patel)

ORDER

HON'BLE MR. S. R. ADIGE

Applicants impugn respondents' letter dated 18.9.98 (Annexure-A.1) and seek benefit of the respective EDP scales w.e.f. 1.1.86 instead of 11.9.89 with consequential re-fixation of pay and other consequential benefits.

2. We have heard applicants' counsel Shri Khurana and respondents' counsel Shri Patel.

3. Shri Khurana has invited our attention to the CAT PB order dated 18.5.97 in OA No. 1759/97 Deepak Verma Vs. Secretary, Deptt. of Expenditure & Ors. extending the benefits of EDP pay scale w.e.f. 1.1.86 to him. Another order relied upon by him is dated 29.5.98 in OA No. 1599/97 Mrs. Saroj Kapoor & Ors. Vs. Secretary, Deptt. of Exp. & Ors. extending the benefits of EDP scales to those applicants also w.e.f. 1.1.86. Shri Khurana has contended that in the light of these orders, identical reliefs claimed by the present applicants cannot be denied

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to them.

4. Shri Patel has opposed the prayer firstly on ground of limitation and secondly on the ground that the applicants in the orders cited by Shri Khurana were not working in the same Ministry as the present applicants, and hence those orders are not applicable to the present case.

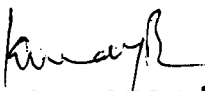
5. In so far as the ground of limitation is concerned, the CATPB in para 8 of its order dated 29.5.98 in Mrs. Saroj Kapoor's case (supra) has specifically considered and rejected that contention and held the non-granting of EDP scales w.e.f. 1.1.86 as giving rise to a continuous cause of action. Nothing has been shown to us to establish that the aforesaid order dated 29.5.98 has been stayed, modified or set aside and we as a Coordinate Bench are bound by the same.

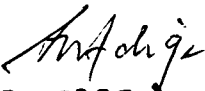
6. Similarly merely because, applicants are working in a department other than the one in which those to whom the benefits were granted vide order dated 18.5.97 and 29.5.98 were working, cannot be adequate reason to deny them the benefits if they are otherwise similarly situated, and nothing has been shown to us to establish that applicants are differently situated. Under the circumstance any differential treatment to applicants would be discriminatory and violative of Articles 14 & 16 of Constitution.

7. In the result, the OA succeeds and is allowed to the extent that impugned order dated 18.9.98 is quashed and set aside, and respondents are directed to grant the EDP pay scales in respective grades to applicants

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u.e.f. 1.1.86. Respondents should refix applicants' pay accordingly and disburse the monetary benefits flowing therefrom, within 3 months from the date of receipt of a copy of this order. No costs.


(KULDIP SINGH)
MEMBER(J)


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

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