

Central Administrative Tribunal
Principal Bench

O.A. No. 952 of 1999

New Delhi, dated this the 7 January, 2000.

Hon'ble Mr. S.R. Adige, Vice Chairman (A)

Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

(b)

S/Shri

1. M.S. Marwah,
S/o Shri S.D. Marwah,
No. 1225, Mehal Sarai,
Geeta Bhawan, Kashmere Gate,
Delhi-110006.
2. Anil Kumar Jain
S/o Shri S.L. Jain
3. N.K. Bhatia;
S/o Shri O.P. Bhatia
4. A.K. Chhabra,
S/o Shri O.P. Chhabra
5. Vimal Chawla,
S/o Shri S.S. Chawla
6. R.K. Kachroo,
S/o Shri R.N. Kachroo
7. P.K. Gupta,
S/o Shri D.P. Gupta
8. Ashwani Kumar Singhal
S/o Shri J.P. Singhal.

... Applicants

(By Advocate: Shri S.M. Rattanpaul)

Versus

1. Union of India through
the Secretary,
Dept. of Expenditure,
Ministry of Finance,
North Block,
New Delhi.
2. The Secretary,
Dept. of Statistics,
Ministry of Planning,
Sardar Patel Bhawan,
Sansad Marg,
New Delhi.
3. The Chief Executive Officer,
National Sample Survey Organisation,
Ministry of Planning,
Sardar Patel Bhawan, New Delhi.

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4. The Director,
 Data Processing Division,
 N.S.S.O.,
 Ministry of Planning, GLT Road,
 Bara Nagar,
 Calcutta
 West Bengal. ... Respondents

(By Advocate: Mrs. Protima Gupta)

ORDER

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

Applicants impugn respondents' order dated 31.12.98 (Annexure A-1) and seek extension of the benefits of the Hon'ble Supreme Court's judgment dated 25.9.98 in Review Petition No. 2096/95 in C.A. No. 5008/98 C.M. Dadwa & Others Vs. Union of India & Others on the ground of being similarly situated. Specifically applicants seek redesignation as Data Processing Assistants Grade III and pay scale of Rs.1600-2660 w.e.f. 1.1.86 (revised to Rs.5000-9000 w.e.f. 1.1.96) with consequential benefits.

2. Applicants were directly recruited as Data Processing Assistants in National Sample Survey Organisation under Ministry of Planning, Government of India during 1978-84 in the pay scale of Rs.330-560 which was revised to Rs.1200-2040 consequent to the 4th Pay Commission's recommendations w.e.f. 1.1.86. The 4th Pay Commission had also suggested in June, 1986 that the Department of Electronics should examine and suggest reorganisation of existing EDP posts and prescribed uniform pay scales and designation in consultation with DP&T. A committee was constituted in 1986 with Dr.N.Seshagiri as its Chairman which made recommendation to Government of India with regard to posts and pay scales

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in EDP organisation. Based on those recommendations Government issued Memorandum dated 11.9.89 and dated 12.1.90 rationalising the pay scales of EDP posts. The O.M. dated 11.9.89 classified the posts in EDP organisation into (i) Data Entry Operators and (ii) Data Processing/Programming Staff. By order dated 2.7.90 (Annexure A-4) the respondents categorised all Data Processing Assistants working in NSSO as Data Entry Operators. Aggrieved by that some Data Entry Operators represented and upon not receiving a satisfactory response, 48 of them filed O.A. No. 625/90 in C.A.T., Bombay (Nagpur) Bench impugning respondents' order dated 2.7.90. They sought redesignation as Data Processing Assistants and for pay scales in the Data Processing group of Electronic Data Processing Personnel w.e.f. 1.1.86.

3. That O.A. was disposed of by order dated 7.3.95 (Annexure A-5).

4. Against that order dated 7.3.95 those applicants filed an SLP in the Hon'ble Supreme Court, which was dismissed in limine. However, as on an SLP filed by Supervisors of the same organisation i.e. NSSO for their similar redesignation and grant of higher pay scales notice was ordered to be issued by Hon'ble Supreme Court the applicants of O.A. No. 625/90 filed R.A. No. 2096/95 in the Hon'ble Supreme Court for review of the order dismissing the SLP in limine.

5. That R.A. was allowed by judgment dated 25.9.98 but in the penultimate paragraph of that judgment it was made clear that it would be applicable only to

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those 48 applicants who were directly recruited as Data Processing Assistants in NSSO, Department of Statistics, Ministry of Planning (emphasis added).

6. Respondents in their reply state that as the aforesaid judgment dated 25.9.98 was very specific, and grant benefits to those 48 applicants alone, they cannot extend it to the present applicants who were not a party to that proceeding.

7. We have heard both sides.

8. In the background of the specific order of the Hon'ble Supreme Court dated 25.9.98 limiting the benefits to the 48 applicants who were a party to those proceedings we see the force of respondents' submissions, and we ourselves would not like to give any direction which might even in the least measure be construed as overstepping the Hon'ble Supreme Court's order dated 25.9.98.

9. In the above circumstances, we are not in a position to grant any specific relief to the applicants contrary to the Hon'ble Supreme Court's order. No costs.

Lakshmi Swaminathan

(Mrs. Lakshmi Swaminathan)
Member (J)

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(S. R. Adige)
Vice Chairman (A)

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