

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

R.A. No. 29 of 2000
in

O.A. No. 952 of 1999

New Delhi, dated this the 7th AUGUST 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

S/Shri

1.

M.S. Marwah
S/o Shri S.D. Marwah,
No. 1225, Mehal Sarai,
Geeta Bhawan, Kashmere Gate,
Delhi-110006.

2.

Shri Anil Kumar Jain,
S/o Shri S.D. 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.

A.K. 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.

4.

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

.. Respondents

(By Advocate: Mrs. Pratima Gupta)

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

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Heard both sides on RA No. 29/2000 seeking review of the Tribunal's order dated 7.1.2000 in OA No. 952/99.

2. In that OA applicants had impugned respondents' order dated 31.12.98 and had sought extension of the benefits of the Hon'ble Supreme Court's judgment dated 25.9.98 in Review Petition No. 2096/95 in Civil Appeal No. 5008/98 C.M. Dadwa & Ors. Vs. UOI & Ors. on the grounds of being similarly situated. Specifically, applicants sought redesignation as Data Processing Assistants Gr. 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.

3. After hearing both sides that OA was dismissed by Tribunal's order dated 7.1.2000 after noting that the Hon'ble Supreme Court's judgment dated 25.9.98 had limited the benefits to the 48 applicants who were a party to those proceedings.

4. During the course of hearing it was not brought to the notice of the Bench that the Hon'ble Supreme Court by its own judgment dated 14.5.99 in Civil Appeal No. 3102/99 Kamlaker & Ors. Vs. UOI & Ors. had extended the benefits of the order dated 25.9.98 in Dadwa's case (supra) to ^{Kamlaker &} others similarly placed. During the course of hearing, it was ^{also} not brought to the notice of the Bench that ^{by} the CAT PB's order dated 20.12.99 disposing of OA No. 2370/98 Smt. Dipati Roy & Ors. Vs. UOI & Ors., and connected cases, respondents had been directed to review the cases of all those applicants and identify their new designations and revised pay scale in the light of various court's rulings and place them in the higher pay scales

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notionally w.e.f. 1.1.86 or from the date of their promotion, whichever is later, and to grant them the benefit of the higher pay scales with effect from the aforesaid date on notional basis, and benefit of arrears in the higher pay scales only from the date of filing each of the OAs, with consequential benefits in accordance with law and rules.

5. After hearing both sides on ^{the} RA, we had reserved our orders.

6. While we were satisfied that the Tribunal's order dated 7.1.2000 in OA No. 952/99 requires review, initially we were of the opinion that the matter should be referred to a Full Bench, on the question as to whether entitlement in the higher pay scale should be granted from 1.1.86 as claimed by the applicants or the entitlement in the higher pay scale w.e.f. 1.1.86 should be only on notional basis and the actual entitlement of arrears in the higher pay scales should be with effect from a later date.

7. However, this matter has been conclusively decided by another Full Bench's order dated 31.7.2000 in OA No. 2639/99 Babu Lal & Ors. Vs. UOI & Ors. in which one of us (Mr. S.R. Adige, VC (A)) was a party. In that order after referring to the Hon'ble Supreme Court's ruling in Dadwa's case (supra) and Kamlakar's case (supra) and also several other rulings of the Tribunal itself, it has been held that the applicants would be granted benefit of O.M. dated 11.9.89 w.e.f. 1.1.86, with all consequential benefits.

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8. The aforesaid ruling of the Full Bench in Babu Lal's case (supra) is fully applicable to the facts and circumstances of the present case and in the circumstance the RA is allowed; impugned order dated 7.1.2000 dismissing OA No. 952/99 is recalled; the OA is allowed; and Respondents are directed to grant applicants in the OA the benefits of OM dated 11.9.89 w.e.f. 1.1.86, with all consequential benefits, within four months from the date of receipt of a copy of this order. No costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER (J)

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

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