

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 1621/98
MA No. 1713/98

(4) (v)

New Delhi, this the 7th day of January, 1998 1999

HON'BLE SHRI T.N. BHAT, MEMBER (J)
HON'BLE SHRI S.P. BISWAS, MEMBER (A)

In the matter of:

1. Sh. Chitta Ranjan Maithy S/o Sh. Late Sh. B.K. Maithy
Aged
2. Sh. Asha Prasad S/o Sh. P.F. Prasad.
Aged
3. Sh. Nupur Banerjee W/o Sh. A.P. Banerjee Aged
4. Sh. Jasbir Talwar S/o Late Sh. P.S. Talwar
Aged :
5. Sh. Satyabrata Sarkar S/o Late Sh. B.B. Sarkar
Aged
6. Sh. J.S. Prajapati S/o Late Sh. Umrao Singh
aged :
7. Sh. N.K. Dutta S/o Late Sh. D.D. Dutta
Aged
8. Sh. S.C. Banik S/o Sh. M.M. Banik Aged
9. Smt. Sarla Tyagi W/o Sh. D.R. Tyagi Aged
10. Sh. ~~GR~~ Grace Iypora S/o Sh. Iypora Simon.C
Aged
11. Sh. Nirmal Sachdeva S/o Sh. B. Sachdeva Aged
All C/o Data Processing Centre
N.S.S.O. Deptt. of Staticstics
Ministry of Planning, Hans Bhawan,
New Delhi. 110002.

(X) Corrected in view of
Court's order dated 2.6.2009

12. Sh. Manik Lal Choudhary S/o Sh.
Aged
13. Sh. Nitya Narayan Sen Gupta S/o Sh.
Aged
14. Sh. Hira Lal Dey S/o Sh.
Aged
15. Sh. Jitendra Nath Aich S/o Sh.
Aged
16. Sh. Balai Ch. Gupta S/o Sh.
Aged

(5)

All C/o The Director
Data Processing Division, N.S.S.O.,
Ministry of Planning, GLT Road, Bara Nagar,
Calcutta.

17. Sh. G.R. Meshram S/o Sh.
Aged C/o N.S.S.O. Nagpur.
18. Sh. D.S. Sambharkar S/o Sh. SUKH DEO
Aged 47 C/o N.S.S.O. Nagpur.
19. Sh. D.S. Ambulkar S/o Sh.
Aged C/o N.S.S.O. Ahemadabad.
20. Sh. Binoj Kumar Prasad S/o Sh.
Aged C/o N.S.S.O. Girdih.Petitioner/
(By Advocate: Smt. Shyamla Pappu with
Sh. P.K.Sharma & Sh. M.R.K.Murthy) Applicants.
VERSUS

Union of India

1. Secretary, Deptt. of Expenditure
Ministry of Finance, North Block,
New Delhi.
2. The Secretary, Deptt. of Statistics,
Ministry of Planning, Sardar Patel Chowk

Signature

3. Chief Executive Officer
National Sample Survey Organisation,
Ministry of Planning
Sardar Patel Bhawan,
Sansad Marg,
New Delhi.

4. The Director
Data Processing Division
National Sample Survey Organisation,
Ministry of Planning,
GLT Road, Bara Nagar,
Calcutta.

.... Respondents

(By Advocate: **Sh. Rajeev Bansal**)

O R D E R (Oral)

delivered by Hon'ble Shri T.N. Bhat, Member (J)

Heard the learned counsel for both the parties.

2. MA - 1713/98 for joining together in this
O.A. is allowed and disposed of.

3. By this OA the applicants who are presently
working in the National Sample Survey Organisation, Data
Processing Centre, Delhi, Calcutta, Nagpur, Ahmedabad &
Giridih are seeking pay scale of Rs.2000-3200 in place of
Rs.1600-2600 as has been granted to similarly situated
persons who had approached the Hon'ble Supreme Court by
Civil Appeal No. 16741/96 arising out of SLP (C)
No.18948/95. The Apex Court by the judgment dated 9.12.96
read with the order on Review Petition (C) No. 1615/97
dated 24.10.97 granted the pay scale of Rs.2000-3200 to
the appellants therein.

Signature
7.1.99

4. It is not disputed that the applicants herein were identically placed and are similarly situated and they alongwith the appellants in the case before the Hon'ble Supreme Court would also have been entitled to the same benefit had they joined in the earlier case. It is, however, averred by the respondents in their reply that as a matter of policy the respondents give the benefit of a judgment of the Court/Tribunal only to those persons who have actually approached the Court and not to others even though they might be similarly situated. 7

5. We find ourselves in agreement with the learned senior counsel for the applicant that similarly situated employees need not come to the Court for seeking identical benefits which had earlier been granted to their colleagues and that the Government is duty bound to give the same benefit to them.

6. It is not the case of the respondents that the claim preferred by the applicants herein is barred by time or that they are not similarly situated as those who have obtained the judgment in their favour from the Apex Court. We, therefore, find no ground to treat the applicants herein differently.


7. In view of the above, we allow this OA and direct the respondents to place the applicants herein also in the higher pay scale of Rs.2000-3200 and extend to them


[Signature]

the said benefit of higher pay scale from 1.1.86 as has been granted to the appellants in the case before the Apex Court by issuing the order dated 8.6.98 as at Annexure A-5 to the OA. We further direct that this judgment shall be implemented within a period of 3 months.

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8. With this order the OA is disposed of.


(S.P. BISWAS)
Member (A)


(T.N. BHAT)
Member (J)

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