

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 2370/98 with OA 2372/98 199
OA 612/99, OA 613/99,
~~DO NOT~~ OA 614/99, OA 615/99,
OA 616/99 & OA 617/99

DATE OF DECISION 20-12-99

Smt. Dipti Roy & Ors (OA 2370/98).Petitioner

Mrs. Shyamla Pappu, Sr. CounselAdvocate for the
with Sh. Pramod Kumar and Shri R. Petitioner(s)
Krishna Murthi

VERSUS

UOI & Ors

....Respondent

Sh. V.S.R. Krishna

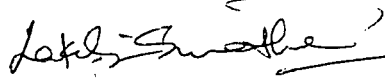
....Advocate for the
Respondents.

CORAM

The Hon'ble Smt. Lakshmi Swaminathan, Member, (J)

The Hon'ble Shri S.P. Biswas, Member (A)

1. To be referred to the Reporter or not? YES
2. Whether it needs to be circulated to other Benches of the Tribunal? No.


(Smt. Lakshmi Swaminathan)
Member (J)

Central Administrative Tribunal
Principal Bench

OA 2370/98 with OA 2372/98, OA 612/99, OA 613/99,
MA 2524/98 MA 2524/98 MA 583/99, MA 584/99,

OA614/99, OA 615/99, OA616/99, OA 617/99
MA585/99, MA 586/99, MA 587/99 MA 588/99

New Delhi this the 20th day of December, 1999

Hon'ble Smt. Lakshmi Swaminathan, Member(J).
Hon'ble Shri S.P. Biswas, Member(A).

OA 2370/98

1. Smt. Dipti Roy w/o Shri Subroto Roy,
2. Shri P.L. Kapoor S/o late Shri R.C. Kapoor

(Both C/o Data Processing Centre N.S.S.O.
Department of Statistics, Ministry of Planning,
Hans Bhawan, New Delhi-110002).

3. Shri Narayan Chandra Dass,
S/o Late Sh. Lal Mohan Dass,
C/o The Director,
Data Processing Division N.S.S.O.
Ministry of Planning, GLT Road,
Bara Nagar,
Calcutta.

... Applicants.

By Advocate Mrs. Shyamla Pappu, Sr. Counsel with
Shri Pramod Kumar & Shri R. Krishnamurthi.

Versus

Union of India through

1. Secretary,
Department of Expenditure,
Ministry of Finance, North Block,
New Delhi.
2. The Secretary,
Department of Statistics,
Ministry of Planning,
Sardar Patel Bhawan, Sansad Marg,
New Delhi.
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,
164, GLT Road, Bara Nagar,
Calcutta.

... Respondents.

By Advocate Shri V.S.R. Krishna.

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OA 2372/98

1. Shri S.K. Dhawan S/o Shri D.C. Dhawan
2. Sh. Anil Rana S/o Shri J.R. Rana
3. Sh. C.S. Sachdeva S/o Shri H.L. Sachdeva
4. Sh. V.K. Bhatnagar S/o Shri J.P. Bhatnagar

All c/o Data Processing Centre N.S.S.O.,
Deptt. of Statistics, Ministry of Planning,
Hans Bhawan, New Delhi, 110002.

5. Sh. N.K. Suryavanshi S/o Sh. S.K. Kawdinji Suryavanshi
6. Sh. M.D. Ramteke S/o Sh. Dashrath Ramteke
7. Sh. Shrawan Borikar S/o Sh. Anand Borikar
8. Shri Diwakar Junghare S/o Sh. Mahadeo Junghare
9. Shri C.R. Shah S/o Shri P. Shah
10. Shri D.D. Dhinda S/o Sh. K.D. Dhinda
11. Sh. M. Majumdar S/o Sh. A.S. Majumdar
12. Sh. Shankar Vasmik S/o Sh. Damduji Vasmik
13. Sh. Shankar Dass S/o Sh. N.C. Dass
14. Sh. Asit Saha S/o Late Sh. K.M. Saha

All C/o The Director
Data Processing Division, N.S.S.O.,
Ministry of Planning, B.L.T. Road, Bafa Nagar,
Calcutta.

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15. Sh. D.D. Kamble S/o Sh. Daulat Kamble
16. Sh. S.N. Mehta S/o Sh. Narayan Mehta
17. Sh. S.H. Korti S/o Sh. Hanumant Korti
18. Sh. B.B. Manohar S/o Banshi Manohar
19. Sh. R.C. Manke S/o Sh. Chaitram Manke
20. Sh. P.T. Laratre S/o Sh. Thaganrao Laratre
21. Sh. H.S.R. Bhattacharya S/o Sh. Dwijapado Bhattacharya
22. Sh. M.D. Kuhikar S/o Sh. Dashrath Kuhikar
23. Smt. M.M. Lanjewar W/o Sh. Manikraolanjewar
24. Smt. Anjani Saxena W/o Sh. Bajai Saxena

All C/o Data Processing Division, N.S.S.O.,
Ministry of Planning, Nagpur.

25. Sh. Deodatt Ambulkar S/o h. Sukhdeo Ambulkar
C/o DPD, NSSO, Ministry of Planning, Ahmadabad
26. Sh. A.N. Mishra S/o Sh. R.N. Mishra
C/o DPD, NSSO, Ministry of Planning, Giridih
27. Sh. M.L. Zutshi S/o Sh. P.N. Zutshi
28. Sh. A. Chaudhary S/o Sh. D.D. Chaudhary
29. Sh. M. Sarkar S/o Sh. J. Sarkar
30. Sh. S.K. Roy S/o Sh. K.N. Roy
31. Sh. Md. Shamsudin S/o Sh. Maqbool Husain

All C/o Secretary
National Sample Survey Organisation,
Employees Association,
Hans Bhawan-II, New Delhi-2

.. Applicants

(By Advocate Mrs. Shyamla Pappu, Sr. Counsel with
Sh. Pramod Kumar and Sh. R. Krishnamurthi)

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VERSUS

Union of India

Secretary, Department of Expenditure
Ministry of Finance, North Block,
New Delhi.

19

2. The Secretary, Deptt. of Statistics
Ministry of Planning, &
Sardar Patel Bhawan, Sansad Marg,
New Delhi.

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,
164, GLT Road,
Bara Nagar,
Calcutta.

.... Respondents.

(By Advocate Shri V.S.R. Krishna)

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OA 612/99

1. Sh. Pradeep Kumar Kapil S/o Sh. D.R. Kapil.
2. Sh. Balbir Singh S/o Sh. Late. A R.N. Sharma.
3. Sh. P.S. Chauhan S/o Sh. K.L. Chauhan.
4. Mrs. Indu Dutta W/o Sh. Rajender Dutta.
5. Mrs. Swarn Issar W/o Sh. Rajesh Issar.
6. Sh. Krishan Chand Gautam S/o Sh. R.C. Gautam.
7. Sh. Satya Dev Gupta S/o Sh. S.K.L. Gupta.
8. Sh. S.K. Tripathi S/o R.C. Tripathi.
9. Mrs. Shashi Sapra W/o Sh. T.S. Sapra.
10. Mrs. Pavnesh Sharma W/o Sh. P.Lal.
11. Sh. Rajender Kumar Kapoor S/o Late Sh. H.L. Kapoor.
12. Sh. Shahid Ali S/o Sh. Late J.S. Ali.
13. Sh. Som Nath S/o Sh. H.L. Madan
14. Sh. A.K. Gupta S/o Sh. Late. H.C. Gupta
15. Sh. M.L. Goel S/o Sh. R.S. Goel.
16. Sh. N.P.S. Khli S/o Sh. Inder Singh Kohli.
17. Mrs. Sudeesh Anand W/o Sh- Vinay Kumar.
18. Mrs. Uma Kapoor W/o Sh. A. Parsad.
19. Mrs. Manorama Bahal W/o Sh. L.K. Bahal.
20. Mrs. Meeno Maheshwari W/o Sh. Rajeev Maheshwari.
21. Mrs. Shampa Bhattacharjee W/o Sh. S.K. Bhattacharjee.
22. Sh. Vinod Kumar S/o Sh. G.R. Dondiyal.

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23. Sh. Bhag Singh S/o Chotey Singh.
24. Sh. Praveen Kumar S/o Sh. Bhagwan Dass.
25. Sh. Kishan Chand S/o Late Sh. T.C. Sharma.
26. Sh. Anand Prakash S/o Sh. Ganga Asrey.
27. Sh. Rakesh Chander S/o Sh. Kishore Lal.
28. Sh. Narender Kumar Mishra S/o Sh. Pitamber Mishra.
29. Mrs. Indu Raheja W/o Sh. S.K. Raheja,
30. Sh. Dharender Singh Arora S/o Sh. Gursaran Singh Gandhi.
31. Sh. Vinod Kumar Sharma S/o Sh. P.R. Sharma.
32. Sh. Rajender Kumar S/o Sh. C.L. Azad.
33. Sh. S.K. Jain S/o Sh. P.C. Jain.
34. Sh. Vijay Krishan S/o Sh. (Late) H.K. Bhatnagar.
35. Sh. G. Ravindran S/o Late Sh. Gopalan.
36. Sh. C.M. Bajaj S/o Late Sh. L.R. Bajaj.
37. Sh. S.C. Sahni S/o Sh. (Late) Nand Lal Sahni.
38. Sh. S.L. Dhingra S/o Sh. (Late) Virbhan Dhingra.
39. Sh. G.S. Anand S/o Sh. D.M. Anand.
40. Sh. Raj Kumar S/o Late Sh. Mani Ram.
41. Mrs. Bhuwana Raman W/o Sh. A.K. Raman.
42. Mrs. R. Jayalakshmi W/o Sh. Ramachandran.
43. Sh. S.B. Sarkar S/o Sh. (Late) B.B. Sarkar.

All C/o Data Processing Centre,
N.S.S.O. Deptt. of Statistics,
Ministry of Planning, Hans Bhawan,
New Delhi. 110002.

44. Sh. Sharad Shri Krishna Kulkarni S/o Shri Krishna Kulkarni.

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45. Smt. Usha Sreedharan P. shreedharan W/o P. Sreedharan.
46. Smt. Dolly Roy W/o Sh. S.K. Roy.
47. Smt. Madhuri Gopal Naidu W/o Sh. Gopal Naidu.
48. Sh. Gangadhar Awachitrao Chandankhede S/o Sh. Awachitrao C. Khede.
49. Smt. Shri Lata Pal W/o Sh. A. Pal.
50. Smt. Uppal Nandi w/o Sh. D. Nandi.
51. Sh. Anil Dinkar Raulwar S/o Sh. Dinkar Raulwar.
52. Sh. Harish Chandra Natthuji Dudhe S/o Sh. Nattuji Dudhe.
53. Sh. Dhanraj Lahanuji S/o Sh. Lahanuji Dahat.
54. Sh. Prahlad Rajaram Tambe S/o Sh. Raja Ram Tambe.
55. Sh. Kamaldas Bhiwaji Bansod S/o Sh. Bhiwaji Bansod.
56. Sh. Daulat Bajrao Kamble S/o Sh. Bajrao Kamble.
57. Sh. Ghanshyam Shripad Selve S/o Sh. Shripad Salve.
58. Sh. Prabhakar Uday Dewaikar S/o Sh. Udhav Dewaikar.
59. Sh. Vinayak Laxman Bahadure S/o Sh. Laxman Bahadure.
60. Sh. Jagannath Padurang Dhamde S/o Sh. Padurang Dhamde.
61. Sh. Dakram Mohapat Nandeshwar S/o Mohpat Nandeshwar.
62. Sh. Bhaurao Kisanrao Sonbarse S/o Sh. Kisanrao Sonbarse.
63. Sh. Ramesh Pusaji Barapatra S/o Sh. Pusaji Barapatre.
64. Sh. Mansaram Motiram Nandagaoli S/o Moti Ram Nandgaoli.
65. Sh. Prabhunath Wasudeo Khapekar S/o Sh. Wasudeo Khapekar.
66. Sh. Prabhudas Ranchandra Rangari S/o Sh. Ranchandra Rangari
67. Sh. Jogeshwar Estari Shende S/o Sh. Estari Shende.
68. Sh. Suresh Yadav Rao Ukey S/o Sh. Yadav Rao Ukey.

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69. Sh. Gauri Shankar Dashrath Niwae S/o Sh. Dashrath Niwae.
70. Sh. Kailash Maroti Meshram S/o Sh. Maroti Meshram.
71. Sh. Manik Dashrath Ramteke S/o Sh. Dashrath Ramteke.
72. Sh. Bhoraj Nathuji Hatmode S/o Sh. A. Nathuji Hatmode.

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All C/o Data Processing Division

N.S.S.O. Ministry of Planning, Nagpur.

73. Sh. Raj Kishore Prasad S/o Sh. Bhubaneshwar Prasad.
74. Sh. Amar Kumar Sinha S/o Sh. Tribhuwan Parasad.
75. Sh. Alok Kumar Gupta S/o Sh. Tulsi Parsanha Gupta.
76. Sh. Naseem Ahemad S/o Sh. Md. Zainul Abedin.
77. Sh. Ram Chander Koeri S/o Late Sh. Deo Chandra Koeri.
78. Sh. Ranjeet Banerjee S/o Late Sh. Anil Kumar Banerjee.
79. Sh. Ram Krishna Bose S/o Late Sh. Bimal Krishna Bose.
80. Md. Suliman S/o Late Sh. Panchu Mian.

All C/o Data Processing Division

N.S.S.O. Ministry of Planning,

Giridih.

....Petitioner/Applicants

(By Advocate Mrs. Shyamla Pappu, Sr. Counsel with Sh. Pramod Kumar & Sh. R. Krishnamurthi)

Versus

Union of India

1. Secretary

Department of Expenditure

Ministry of Finance, North Block,

New Delhi.

contd..

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2. Secretary
Department of Statistics
Ministry of Planning,
Sardar Patel Bhawna,
Sansad Marg,
New Delhi.

3. Chief Executive Officer,
National Sample Survey Organisation
Ministry of Planning,
Sardar Patel Bhawn,
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 Shri V.S.R. Krishna)

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QA 613/99

- Sh. Om Prakash S/o Sh. Shiv Charan Dass.
- Sh. R.L. Dhingra S/o Sh. Bisakh Ram Dhingra.
3. Sh. B.L. Taneja S/o Sh. (Late) Sawai Ram RDX Taneja.
4. Mrs. Kusum Lata Mathur W/o Sh. R.B. Mathur.
5. ~~Sh.~~ Sh. Jyoti Parkash B/o Sh. Bhim Sen.
6. Mrs. Kanchan Talwar W/o Sh. M. Talwar.
7. Sh. P.R. Agnihotri S/o Late Sh. H.E. Agnihotri
8. Sh. N.K. Popli S/o Late Sh. R.N. Popli.
9. Sh. T.N. Chawla S/o Sh. Sardari Chawla
All C/o Data Processing Centre,
N.S.S.O. Deptt. of Statistics,
Ministry of Planning, Hansw Bhawan,
New Delhi. 110002.
10. Sh. R.N. Patil S/o Sh. N. Patil.
11. Sh. R.M. Bagade S/o Sh. M. Bagade.
12. Smt. G.G. Gajbhe W/o Sh. G. Gajbhe.
13. Sh. S.N. Paul S/o Sh. N. Paul.
14. Sh. S.S. Mukherjee S/o Sh. S.K. Mukherjee.
15. Smt. R. Bhattacharya W/o Sh. H. Bhattacharya.
16. Sh. P.P. Meshram S/o Sh. P. Meshram.
17. Sh. D.A. Shambharkar S/o Sh. A. Shambharkar.
18. Sh. P.D. Bhagat S/o Sh. D. Bhagat.

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26

20. Sh. C.R. Gauple S/o Sh.R. Gauple.
21. Sh. Himmat V. Gajbhiya S/o Sh.V. Gajbhiye (Now posted
22. V.S. Meshram S/o Late Sh. S. Meshram

All C/o Data Processing Division,
N.S.S.O., Ministry of Planning,
Nagpur.

23. Miss Anima Biswas D/o Sh. Umapati Biswas
24. Sh. Ashim Chatterjee S/o Late Sh. Bibhuti Bhushan Chatterjee
25. Miss Shanti Gupta D/o Sh. Ananth Nath Gupta
26. Sh. Mangal Kumar S/o Sh.(Late) Beni Pandit.
27. Sh. Bhim Singh S/o Sh. Durga Pd. Harijan (NSSO Ahmedabad)
28. Sh. V.N. Sharma S/o Sh. Late Shree Prasad Sharma.

All C/o Data Processing Division,
N.S.S.O., Ministry of Planning,
Giridih.

...Petitioners/Applicants.

(By Advocate Mrs. Shyamla Rappu, Sr. Counsel with Sh. Pramod
Kumar & Sh. R. Krishnamurthi)

Versus

Union of India

1. Secretary
Deptt. of Expenditure
Ministry of Finance, North Block
New Delhi.

JS

contd....

27

2. The Secretary

Deptt. of Statistics,
Ministry of Planning
Sardar Patel Bhawan,
Sansad Marg, New Delhi.

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 Shri V.S.R. Krishna)

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contd...

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OA 614/99

1. Sh. K.K. Patneyn S/o Late Sh. Jassu Ram
2. Mrs. Krishna Kumari W/o Late Sh. Amar Nath
3. Ms. Mamta Chowdhury D/o Late Sh. S.Sengupta
4. Sh. P.M. Kiurian S/o Late Sh. Chacko Mathew
5. Sh. Ashit Ranjan Guha S/o Late Sh. Jadunath Guha
6. Nikhil chnndra Chaterjee S/o Late Sh. Kashi Nath Chaterjee
7. Sh. Sumekhal Das S/o Late Sukhendra Cha Das
8. Sh. Sudhansu Ranjan Senguta S/o Late Sh. Jogender Ch.Sengupta
9. Sh. Kali Pada Saha S/o Late Sh. Basanta K.Saha
10. Sh. Satya Ranjan Kaiyilal S/o Late Sh. Sushil Kumar Kaiyilal
11. Sh. Ajit Mohan Choukerberty S/o Late Sh. Manohar Choudhary
12. Sh. Hari Prasad Banerjee S/o Late Jatinendra Bannerjee
13. Sh. Kalachand Mukherjee S/o Late Netaji Chand Mukherjee
14. Sh. Pawan Kumar S/o Sh. Satnarain

all c/o General Secretary

National Sample Survey Employees Organisation

Hans Bhawan-II,,New Delhi.2,

...Petitioners/
Applicants.

(By Advocate Mrs.Shyamla Pappu,Sr.Counsel with
Sh.Pramod Kumar & Sh.R.Krishnamurthi)

Versus

Union of India

1. Secretary, Deptt. of Expenditure
Ministry of Finance, North Block,
New Delhi.

contd...

29

2. The Secretary,
Department of Statistics
Ministry of Planning, Sardar Patel Bhawan,
Sansad Marg, New Delhi.

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
GLT Road, Bara Nagar,
Calcutta .

.....Respondents.

(By Advocate Shri V.S.R. Krishna)

By

contd....

30

OA 615/99

1. Sh. ^{S.N} Sen Gupta S/o Sh. (Late) L.M. Sengupta
2. Mrs. Sarla Vaid W/o Late Sh. S.P. Vaid
3. Mrs. K.K. Girdhar W/o Sh. Prabhu Dayal Girdhar
4. Mrs. Raj Mallick W/o Sh. O.K. Mallick
5. Ms. P. Sengupta D/o Late Sh. Satybrata Dasgupta
6. Ms. Chhaya Dutta D/o Late Sh. K.M. Ghosh
7. Ms. Pronati Dutta D/o Late Sh. R.R. Ghose
8. Mr. R.N. Katyal S/o Late Sh. Ch. G.R. Katyal
9. Sh. A.B. Roy Choudhary S/o Late Sh. *Girija Roy Choudhary*
10. Mrs. Karuna Mitra D/o Sh. *Late Ramesh Chander Mitra*
11. Mr. Yasin Ansari S/o Sh. *Late Panchu Mian*
12. Mrs. Dipti Sen Gupta W/o Sh. *Late Kanai Lal Sen Gupta*
13. Mrs. Aparana Fauzdar W/o Sh. *M. K. Fauzdar*
14. Mrs. Namita Sarkar W/o Sh. *Late Harish Chander Sarkar*
15. Mrs. Reba Gupta D/o Sh. *Late Jugal Prasad Sen*
16. Sh. Sasanka Sen S/o Late Sh. Swandra Kumar Sen
17. Gour Ch. Anon S/o Late Sh. Sadhan Ch. AAwon
18. Sh. Chanchal Kumar Chathaha S/o Late Sh. Sushil Kumar Chaltia
19. Sh. Anil Kumar S/o Sh. Radha Ballabh Kundu
20. Sh. Haridas Ganguly S/o Late Sh. Satyendra Kumar Ganguly
21. Sh. Himangshu Kumar Ghose S/o Sh. (Late) Girindra Kumar Ghosh
22. Sh. Subal Chandra Maity S/o Late Sh. Rashal Ch. Maity
23. Sh. Bholu Nath Mukherjee S/o Late Sh. Krishna Ch. Kukherjee

contd...

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24. Sh. Amal Kumar Sen S/o Late Jayanta Kumar Sen
25. Sh. Girdhar Chatterjee S/o Sh. D. Chatterjee.
All C/o Secretary,

..Petitioner/
Applicants.

National Sample Survey Organisation,
Employees Association,
Hans Bhawan-II,
New Delhi.2.

(By Advocate Mrs. Shyamla Pappu, Sr. Counsel with
Sh. Pramod Kumar & Sh. R. Krishnamurthi)

Versus

Union of India

1. Secretary,
Deptt. of Expenditure,
Ministry of Finance, North Block,
New Delhi.
2. The Secretary,
Department of Statistics
Ministry of Planning, Sardar Patel Bhawan,
Sansad Marg, New Delhi.2
3. Chief Executive Officer
National Sample Survey Organisation,
Ministry of Planning, Sardar Patel Bhawan,
Sansad Marg, New Delhi.2.
4. The Director
Data Processing Division,
National Sample Survey Organisation,
Ministry of Planning,
GLT Road, Bara Nagar, Calcutta.
Calcutta.

...Respondent.

(By Advocate Shri V.S.R. Krishna.)

8/

32

OA 616/99

1. Ms. Aloka Dutta D/o Late Sh. S.C. Ghose
2. Ms. Kamlesh Katiyal D/o Late Sh. C.L. Sharma
3. Sh. A.C. Bhar S/o Late Sh. P.C. Bhar.

All C/o Data Processing Centre,
N.S.S.O. Ministry of Planning,
Hans Bhawan, New Delhi.2.

4. Mrs. Pushpa Biswas W/o Sh. Rradip Kumar Biswas
5. Mr. Mihir Kumar Sarkar S/omSh. Krishna Prasanna Sarkar.
6. Mrs. Kusum Kali Biswas W/o Late Bikash Chandra Biswas.
7. Mr. Ashis Kumar Das S/o Sh. Sadananda Dax.
8. Mr. Uttam Das S/o Sh. (Late) Monotosh Chandra Das.
9. Mr. Monojay Ghanti S/o Late Bepin Behari Ghanti.
10. Mr. Dibyendu Kumar Ghoshal S/o Late Heramb Ch. Ghoshal.
11. Mr. Sushen Chandra Das S/o Late Krishna Pada Das.
12. Mr. Amal Kumar Mukherjee S/o Late Jitendra Nath Mukherjee.
13. Mr. Dinesh Chandra Dalal S/o Late Chandra Mohan Dalal.
14. Mr. Pramathes Roy S/o Late Rajen Roy.
15. Mr. Supriya Gupta S/o Late Sh. Samindra Krishna Gupta.
16. Mr. Manish Chaudhary S/o Late Haribhajan Chaudhuri.

contd...

33

17. Ms. Geeta Ghosh D/o Late Mahendra Ch. Ghosh.
18. Mrs. Sabitri Deb W/o Sh. Chitta R. Del.
19. Mr. Tarak Ch. Dutta. S/o Late Bisnucharan Dutta.
20. Mr. Nripendra Mohan Basu S/o Late Ramani Mohan Basu.
21. Mr. Anutosh chakraborty S/o Late Gopal Chandra Chakarborty.
22. Mr. Keshab Chandra Biswas S/o Late Phanindra Nath Biswas.
23. Mr. Timir Baran Paul S/O Nail Krishna Paul.
24. Mrs. Tapate Chakarborty W/o Sh. Amal Kumar Chakarborty
25. Mr.s Ratna Khan W/o Late Sailendra Nath Khan.
26. Mr. Santosh Roy S/o Late Jaytandra Lal Roy.
27. Mr. Partha Sarathi Bhattacharjee S/o Amulya Kumar Bhattacharj
28. Mr. Sunil Kumar Ghosh S/o Late Narayan Ch. Ghosh.
29. Mrs. Chinu Bhattacharyee W/o Late Sh. Supesh Ch. Bhattacharye
30. Mr. Sandipan Ray S/o Late Rajendra Chandra Roy.
31. Mr. Chitta Ranjan Kundu S/o Late Sh. Chaitanya Charan Kundu.
32. Mr. Sital Paul S/o Late Sh. Sashi Kanta Paul.
33. Mr. Sunil Kumar Roy S/o Late Sh. Battkrishna Roy,
34. Mr. Bimal Das Gupta S/o Late Nila Ram Das Gupta.
35. Mr. Biraj Kumar Basu S/o Birendra Nath Basu.
36. Mr. Ram Chandra Das S/o Late Purna Chandra Das.
37. Mrs. Bela Dutta W/o Late Sh. B Sudhir Dutta.
38. Mr. Dibakar Pal S/o Sh. Bishnu Pada Pal.
39. Mr. Jiban Kishore Dev S/o Late Sh. Jatindra Lal Dev.
40. Mr. Ranjit Kumar Mandal S/o Late Tulsi Ch. Mandal.
41. Mr. Bijon Lal Ghosh S/o Late Sh. Girija Nath Ghosh.
42. Mr. Sakti Ranjan Mukhopadhyay S/o Late Sh- Santi Ranjan

All C/o Data Processing Division, N.S.S.O.,
Ministry of Planning, Calcutta.

(By Advocate Mrs. Shyamla Pappu, Sr. Counsel with
Shri Pramod Kumar & Sh. R. Krishnamurthi)

9/1

VERSUS

Union of India
Secretary, Deptt. of Expenditure
Ministry of Finance, North Block,
New Delhi.

2A

The Secretary,
Department of Statistics,
Ministry of Planning, Sardar Patel Bhawan,
Sansad Marg, New Delhi.

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 Shri V.S.R. Krishna)

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OA 617/99

1. Sh. Kuldeep Sharma S/ O Shri G.K.Sharma
2. Sh. Arvind Cairae S/O Late Shri M.P.Cairae
3. Sh. H.C. Mehra S/O Late Sh. Chaina Ram
4. Sh. M.C.Sharma S/O Shri Vasudeo Sharma
5. Sh. S. Bhattacharya S/O Late Sh. H.Bhattacharya
All C/ O Data Processing Centre,
National Sample Sarvey Organisation
Department of Statistics,
Ministry of Planning,
Hans Bhawan II,
New Delhi-11002 2
6. Shri Md. ALi Asgar Mandal S/O Sh. Ishaque Mondal
7. Sh. Pradip Choudhary S/O Shri Sita Ram Choudhary

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28. Sh. Subhash Chandra Roy S/o Sh. Bijay Krishna Roy
9. Sh. Jyoti Ghosh S/o Late Sh. Narendra Nath Ghosh
10. Sh. Jagbandhu Chatteraj S/o Late Sh. Chitta Ranjan Chatteraj
11. Sh. Kumaresh Das S/o Late Sh. Dinesh Chandra Das
12. Sh. Subrata Roy S/o Sri Dwipendra Narayan Roy
13. Sh. Samir Kumar Choudhary S/o Prafulla Ch. Choudhary
14. Sh. Ashok Kumar Bose S/o Late Amal Chander Bose
15. Sh. Kamal Kumar Datta S/o Late Chintamani Dutta
16. Sh. Buddhdev Paul S/o Surya Narayan Paul
17. Sh. Susanta Dutta S/o
18. Sh. Shyamalesh Ch. Biswas S/o
19. Sh. Ashok Kumar Guha Majumdar S/o Sh. Monibhushan Guha Majumdar
20. Sh. Maloy Kumar Nath S/o Late Radhshyam Nath
21. Sh. Arpan Majumdar S/o Sh. Subimal Kanti Majumdar
22. Smt. Manju Das & W/o Dipak Das
23. Sh. Dayal Kumar Ghosh S/o Sh. Kanai Lal Ghose
24. Sh. Santanu Tapadar S/o Late Sh. Sushil Kr. Tapadar
25. Sh. Gopal Chandra Raha S/o Late Chirendra Nath Raha
26. Sh. Sukumar Das S/o Late Hardhan Das
27. Smt. Aparna Bhaumik W/o Sri Anadi Bhaumik
28. Smt. Kakali Dev W/o Pradip Kr. Dev
29. Sh. Soumendra Kumar Mohanty S/o Ungraj Mohanthy
30. Sh. Panchkari Das S/o Late Sh. Nandla Das
31. Sh. Soumen Goswami S/o Late Sh. Mani Gopal Goswami
32. Mr. Prasanta Bose S/o Late Tara Kanto Bose
33. Smt. Uma Chattopadhyay W/o Sh. Amitabha Chattopadhyay
34. Smt. Shobha Chattopadhyay W/o Dr. Ashok Chattopadhyay
35. Smt. Lily De W/o Dr. B. Prabir Kumar De

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36. Smt. Snigdha Basu
37. Prabir Bose S/o Late Sh. Pnamatha Nath Bose
38. Sh. Pradyo Kumar Deb S/o Lat Sh. Nepal Ch. Deb
39. Sh. Sauresh Basu S/o Late Sambhunath Basu
40. Sh. Kabindra Nath Das S/o Sh. Haripada Das
41. Sh. Gautam Mitra S/o Late Arun Chandra Mitra
42. Sh. Bishwarup Basu Mallick S/o Ajit Basu Mallaick
43. Sh. Dipak Das S/o Nagendra Nath Das
44. Ms. Shishmata Biswas W/o Dr. Kuntal Biswas
45. Sh. Ashok Kumar Chatterjee S/o Late Ajit Chatterjee
46. Sh. Utpal Datta S/o Sh. Nandañulal Dutta
47. Sh. Marinal Kanti Nandi S/o Sri Mrityunjaya Nandi
48. Sh. Alok Kumar Chakarborty S/o Sh. Ajit Kumar Chakarborty
49. Sh. Arunava Dutta S/o Sri Sudhir Kr. Dutta
50. Sh. Shekhar Ganguly S/o Late Satish Ch. Ganguly
51. Sh. Janaranjan Halдар S/o Late Jiban Kumar Halдар
52. Sh. Subhanshu Ghosh S/o Harendra Nath Ghosh
53. Sh. Ravi Shankar Mishra S/~ Sri Shashi Bhusan Mishra
54. Sh. Subrata Bhattacharya S/o Sri Jitendra Nath Bhattacharya
55. Sh. Sujoy Kumar Halдар S/o Late Saroj Kumar Halдар
56. Sh. Samir Kumar Mondal S/o Sri Gobindo Lal Mondal
57. Sh. Tapan Kumar Nag S/o Late Surendra Nath Nag
58. Sh. Gautam Prasad Ghosh S/o Late Ganesh Chandra Ghosh
59. Sh. Subir Kr. Sarkar S/o Late Pramatha Nath Sarkar
60. Sh. ^{Amal} Das gupta S/o Late Prafulla Kumar Dasgupta
61. Sh. Dhurjati Gupta S/o Late Ashok Kr. Gupta
62. Sh. Anup Chatterjee S/o Sri Arun Kumar Chatterjee
63. Sh. Vinayak R. Mahatpure S/o Ramram G. Mahatpure

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64. Sh. Debāshish Choudhury S/o Late Sh. Hari Bhajan Choudhury
65. Sh. Sudhakar Pal S/o Sh. Bishnupada Pal
66. Sh. Dilip Kumar Debnath S/o Late Sh. Radha Goinda Debnath
67. Sh. Promode Roy Chakarborty S/o Rakesh Chandra Roy Chakarborty
68. Smt. Santa Raha W/o Asit Baran Raha
69. Sh. Dipankar Roy S/o Sh. Anildendu Roy
70. Smt. Bandana Hazra W/o Mr. M.N. Hazara
71. Sh. Deshrath Sada Shio Shambhanker

All c/o Data Processing Centre

N.S.S.O. Ministry of Planning Calcutta.

72. Sh. Pulak Kumar Dhar S/o Late Sh. Suchanshu Narayan Dhar
C/o Giridih Office
73. Sh. Prakash M. Bapat S/o Mahaderrao R. Bapat
74. Sh. Shyam Sunder R. Lakhote S/o Ram Prasad D. Lakhote
75. Sh. Chanderkant G. Thakur S/o Gajananrao V. Thakur
76. Sh. Shrikrisan K. Rathi S/o Kanhaiya Lal Rathji
77. Sh. Ishwar N. Zade S/o Narayanrao Zade

All C/o Data Processing Centre

N.S.S.O. Ministry of Planning,

Nagpur.

....Petitioner/Applicants.

(By Advocate Mrs. Shyamla Pappu, Sr. Counsel with Shri
Pramod Kumar and Sh. R. Krishnamurthi)

Union of India

1. Secretary, Depatt. of Expenditure
Ministry of Finance, North Block
New Delhi.

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2. The Secretary,
Deptt. of Statistics,
Ministry of Planning,
Sardar Patel Bhawan,
Sansad Marg, New Delhi.

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 Shri V.S.R. Krishna)

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

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The applicants in the aforesaid eight Original Applications are aggrieved by the action of the respondents in rejecting their claim for implementation/extension of the benefits of the orders of the Hon'ble Supreme Court to them dated 9.12.1996 in Hari Shamrao Nimje & Ors. Vs. Union of India & Ors. (Civil Appeal No. 16741/96 arising out of SLP (C) No. 18948/95) read with the order dated 25.9.1998 in Chandraprakash Madhavrao Dadwa & Ors. Vs. Union of India & Ors. (Review Petition 2096/95 in Civil Appeal No. 5008/98 arising out of SLP (C) No. 16646 of 1996). According to them, the orders passed by the Supreme Court in those petitions have been filed by others who are similarly placed like them and are working in the Data Processing Centre under the Ministry of Planning, Government of India and holding the same posts and designations as the present applicants. The applicants claim that they are entitled to the new pay scales of Rs.1600-2660 instead of Rs.1350-2200, Rs.2000-3200 instead of Rs.1600-2660 and Rs.2375-3500 instead of Rs.2000-3200 w.e.f. 1.1.1986 or the date of their promotion, whichever is later, and to be fitted in the appropriate grades in the redesignated posts.

2. The Apex Court in Hari Shamrao Nimje's case (supra) allowed the appeal and set aside the Tribunal's order by order dated 9.12.1996. The respondents were directed to fit the appellants as Grade 'B' Data Processing Assistant in the pay scale of Rs.2000-3300 with all further consequential benefits. It was further clarified by order dated 24.10.1997 that the pay scale will be Rs.2000-3200. Thereafter in Chandraprakash Madhavrao Dawda's case (supra), the Hon'ble

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Supreme Court in its order dated 25.9.1998 had declared that the appellants were entitled to the designation of Data Processing Assistants Grade-III (called earlier as Grade 'B') in the scale of Rs.1600-2660 with effect from 1.1.1986, the date when the IVth Pay Commission scales came into force. It was further held that the appellants were also entitled to the scale of Rs.5000-8000 with effect from 1.1.1996 in view of the Government orders passed in connection with the Vth Pay Commission recommendations. Although the Apex Court had held in that case that the judgement is applicable "only to those 48 appellants" who were directly recruited as Data Processing Assistants in the NSSO, Department of Statistics, Ministry of Planning, Mrs. Shyamla Pappu, learned Senior Counsel has submitted that in the order passed by the Hon'ble Supreme Court on 14.5.1999 in **Kamlakar & Ors. Vs. Union of India & Ors.** (Interlocutory Application No. 1 in Civil Appeal No. 3182/99, arising out of SLP (C) No. 19257 of 1995) the Apex Court has also granted to the applicants there the same directions as given in **Chandraprakash Madhavrao Dadwa's case** (supra).

3. Another set of applicants who were working in the National Sample Survey Organisation (NSSO), Data Processing Centres at Delhi, Calcutta, Nagpur, Ahmedabad and Giridih, had filed O.A. 1621/98 which was disposed of by Tribunal's order dated 7.1.1999. Noting that the applicants are identically placed and similarly situated as the appellants were in the cases before the Hon'ble Supreme Court referred to above, the O.A. was allowed with a direction to the respondents to place the applicants in the higher pay scale of Rs.2000-3200 and extended to them this benefit w.e.f. 1.1.1986.

4. Mrs. Shyamla Pappu, learned Sr. counsel for the applicants, has contended that the applicants in the aforesaid eight Original Applications are identically placed as the appellants in the cases before the Hon'ble Supreme Court (supra) and they should, therefore, not be deprived of similar benefits of being placed in the higher pay scales w.e.f. 1.1.1986 with all consequential benefits, including arrears.

5. We have seen the reply filed by the respondents and heard Shri V.S.R. Krishna, learned counsel. A preliminary objection had been taken by the respondents that the Principal Bench has no jurisdiction to entertain these applications in the present form as the applicants are working in different cities in the country. This plea is, however, rejected having regard to the Hon'ble Chairman's order dated 3.12.1999 allowing the transfer petitions. Another preliminary objection was that the application is belated and hit by limitation under Section 21 of the Administrative Tribunals Act, 1985. Mrs. Shyamla Pappu, learned Sr. Counsel, has, on the other hand, submitted that the question of limitation does not arise as what the applicants claim in these cases is the extension of benefit of the orders of the Hon'ble Supreme Court in similar cases. She has relied on *Amrit Lal Vs. Collector, CEC (Revenue)* (AIR 1975 SC 538) and *K.I. Shephard Vs. Union of India* (AIR 1988 SC 688). Having regard to the facts and circumstances of the case and noting that the representations made by the applicants in 1998 for extending the benefits of the aforesaid judgements of the Hon'ble Supreme Court to the applicants have been rejected on various dates in that year only, we are of the view that the plea of limitation has to be rejected, subject to what is stated below.

6. On the merits, the respondents have not raised any serious objections. They have stated that the Department of Statistics (DOS) have constituted a committee to examine the placement of the Electronic Data Processing (EDP) personnel in Data Processing Division (DPD) after the judgements delivered by the Supreme Court and Tribunal which is expected to submit its report shortly, but the same is not placed on record.

7. The main contention of the respondents is that the applicants in the present eight O.As are not entitled for extension of the benefits given to other applicants who went to the Supreme Court in the aforesaid cases as those judgements are confined to only those appellants. However, it is not denied that the applicants are similarly situated employees working in various grades in NSSO in the Data Processing Division. The Tribunal in OA 1621/98 has also held in similar circumstances that similarly situated employees need not come to Court for seeking identical benefits which were earlier granted to their colleagues with which we respectfully agree.

8. However, it is relevant to note that six of these applications have been filed in the Tribunal in 1999 and two in 1998 for claiming benefits of higher pay scales w.e.f. 1.1.1986 based on the judgements of the Supreme Court in orders dated 9.12.1996 and 25.9.1998. The applicants have admittedly made representations for extension of the benefits of the higher pay scales more than a decade later (see for example representations dated 10.7.1998 and 6.11.1998) in O.A. 613/99 which was taken up during the hearing by learned Sr. Counsel for the applicants. It is also relevant to note that in the similar cases which were before the Hon'ble Supreme Court, reliefs were first given only to 48 appellants before

2 them and later on extended to the others who had filed the Review application. In the ^{particular} facts and circumstances of the cases, having regard also to the judgement of the Supreme Court in M.R. Gupta Vs. Union of India (1995(5) Scale 29) in such matters and the provisions of Section 21 of the Administrative Tribunals Act, 1985, we consider it appropriate in the interest of justice, that the monetary benefits flowing from the fixation of the applicants in the higher pay scales should be granted to them only from the date each of the eight Original Applications has been filed before the Tribunal with notional fixation of pay w.e.f. 1.1.1986 or from the date of their promotion, whichever is later, with consequential benefits accordingly.

9. In the result, having regard to the facts and circumstances of the case, the above eight Original Applications (O.A. 2370/98, O.A. 2372/98, O.A. 612/99, O.A. 613/99, O.A. 614/99, O.A. 615/99, O.A. 616/99 and O.A. 617/99) are allowed with the following directions:

(a) Respondents to review the cases of the applicants and identify their new designations and revised pay scales in the light of the judgements of the Supreme Court (supra) and place them in the appropriate revised higher pay scales notionally with effect from 1.1.1986 or from the date of their promotion, whichever is later. For the reasons given above, the applicants shall be entitled to the benefit of the higher pay scales with effect from the aforesaid date on a notional basis and be entitled to the benefit of arrears in the higher pay scales only from the date of

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filing each of the Original Applications, with consequential benefits in accordance with law and rules;

(b) The above action shall be taken within four months from the date of receipt of a copy of this order.

Parties to bear their own costs.

10. Let a copy of this order be kept in each of the above Original Applications.


(S.P. Biswas)
Member(A)


(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'