

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2449/98

9

New Delhi this the 21st day of January, 2000.

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE-CHAIRMAN(J)
HON'BLE MR. R.K. AHOOJA, MEMBER (ADMNV)

1. R.K. Vadhera s/o Shri P.L. Vadera
2. S.P. Nagal S/o Shri Shyam Sundar
3. Mrs. P.K. Khosla, w/o Shri V.M.S. Khosla
4. Mrs. Asha Sethi w/o Shri N.K. Sethi
5. Mrs. Versha Sahani w/o S.L. Sahani
6. Mrs. Janak Chadha w/o P.N. Chadha
7. Mrs. Raman Kanta w/o K.L. Wasan
8. Mrs. S. Kashyap w/o Ashok Kashyak ...Applicants

(By Advocate Shri Deepak Verma)

-Versus-

Union of India through:

1. The Secretary,
Dept. of Statistics,
Ministry of Planning & P.I.
Sardar Patel Bhawan, Sansad Marg,
New Delhi.
2. The Secretary,
Dept. of Expenditure,
Ministry of Finance,
North Block,
New Delhi.
3. The Executive Director/DDG,
Computer Centre,
Dept. of Statistics,
East Block, R.K. Puram,
New Delhi.

...Respondents

(By Advocate Mrs. P.K. Gupta)

O R D E R

By Reddy, J.-

The applicants are Data Entry Operators (DEO for short) in the Computer Centre, Department of Statistics, Ministry of Finance. In pursuance of the recommendations of the Seshagiri Committee the Government of India introduced revised pay structure for EDO posts in various departments w.e.f. 11.9.89. The applicants are also given the various designation and pay scale under the OM dated 11.9.89 and were redesignated as DEO.


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The date of implementation of the scheme w.e.f. 11.9.89 was challenged in a number of OAs filed before the various Benches of the Central Administrative Tribunal. The Principal Bench by order dated 9.1.98 in OA-955/97 and by order dated 1759/97 in OA-1759/97 allowed refixation of pay in the respective EDP pay scales w.e.f. 1.1.86 instead of 11.9.89 with consequential monetary benefits. The applicants also seek the benefits of the revision of pay w.e.f. 1.1.86 as is given to other similarly situated employees in the same Ministry/Department. The respondents, however, confined the benefits only to the applicants in the OA and did not extend the same to the entire department. (10)

2. The respondents do not dispute the facts. It was admitted that in various other cases the employees were given the benefit of revision of pay scale w.e.f. 1.1.86, but it is their contention that this OA is barred by limitation.

3. The learned counsel for the applicants, however, submits, relying upon M.R. Gupta v. Union of India, AIR 1996 SC 668 that the period of limitation is not attracted when pay scales are challenged as other employees similarly placed are getting higher pay scales and the same pay scales should be given to the applicants also.

4. Since there is no dispute that the applicants, being similarly placed employees with the employees who have filed OA-955/97 and OA-1759/97 before



the Principal Bench who got the benefit of pay revision w.e.f. 1.1.86, ^{the applicants} they are entitled for the revised pay scale w.e.f. 1.1.86. (11)

5. But the question that has to be decided is whether the OA is barred by limitation?

6. In an identical matter in OA-2371/98, Shri Manoj Kumar Mittal & Others v. The Special Secretary and Director General, NIC & Ors. decided on 9.9.99, we have considered the question of limitation, relying upon the ratio in M.R. Gupta's case (supra) and held that the period of limitation is not attracted for the pay revision and that the OA cannot be thrown out on the ground that it was barred by limitation. Only the claim for recovery of arrears calculated on the basis of difference in pay scale would be time barred and they cannot be recovered but we held that the applicants are entitled for proper fixation of their pay w.e.f. 1.1.86 till 11.9.89 when they were admittedly given the revised pay scale. Following the ration in M.R. Gupta's case (supra) and our own decision in the above OA, we hold that the OA is not barred by limitation.

7. The learned counsel cited Jai Dev Gupta v. State of H.P. & Anr., 1998 SCC (L&S) 1587 where the question of payment of difference in back wages came up for decision. Considering the facts of the case the Supreme Court granted the difference in back wages from May, 1986, i.e., three years prior to the filing of the OA before the Tribunal. We are of the view that this decision has not laid down any principle as such for

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granting the benefit of the revised pay scale. This decision has no application to the facts of the instant case. The learned counsel also cited other decisions to show that the applicants being similarly placed with the other employees who were given the revised pay scale w.e.f. 1.1.86, the applicants are also entitled for the same pay scales. There is no dispute ^{regarding} ~~that~~ this position, we have accepted and granted the same to the applicants in the earlier OA. While doing so we have relied upon the ratio of M.R. Gupta's case (supra) which we think is the correct position of law in this matter and granted the pay scale only from 1989. It should be noticed that no reason has practically been given by the applicants why they have not approached the Tribunal within the period of limitation.

8. In the circumstances we hold that the OA is not barred by limitation and the applicants are entitled for proper fixation of pay w.e.f. 1.1.86 till 11.9.89. The applicants are, however, not entitled to consequential monetary benefits or any arrears.

9. The O.A. is partly allowed. No costs.

R.K. Aheer
(R.K. Aheer)
Member (A)

'San.'

V. Rajagopla Reddy
(V. Rajagopla Reddy)
Vice-Chairman (J)