

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.665/96

New Delhi this the 14th day of August 1996.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr K.Muthukumar, Member (A)

1. Balbir Singh
S/o R.N.Sharma.
2. P.K.Kapil
S/o D.R.Kapil
3. A.K.Singhal
S/o Jai Prakash
4. R.K.Kapoor
S/o Late H.L.Kapoor
5. Vinod Kumar
S/o G.R.Dondiyal
6. Narender Pal Singh Kohli
S/o Inder Singh Kohli
7. Mrs Pavnesh Sharma
W/o Purshotam Sharma
8. Pawan Kumar Gupta
S/o Daya Prakash Gupta
9. Vimal Chawla
S/o S.S.Chawla
10. Ashwani Gupta
S/o Late H.C.Gupta
11. Satya Dev Gupta
S/o SKL Gupta
12. Kishan Chand
S/o Late T.C.Sharma
13. Som Nath
S/o H.L.Madan
14. Mrs Uma Kapoor
W/o A. Prasad
15. N.K.Mishra
S/o Pitamber Mishra
16. Mrs R.Jayalakshmi
W/o K.Ramachandran

17. Mrs Meenu Maheshwari
W/o Rajeev Maheshwari
18. Sushil Kumar Tripathi
S/o Ram Chandra Tripathi
19. Mrs. Bhuvana Raman
W/o A.V. Raman
20. Anil Kumar Jain
S/o Shanti Lal Jain
21. Suresh Kumar N
S/o P. Nathraja Pillai
22. Mrs Manorama Rani
W/o L.K. Bahal
23. Mrs Shampa Bhattacharjee
W/o S.K. Bhattacharjee
24. Mrs Shashi Sapra
W/o Tripu Sudan Sapra
25. M.L. Goel
S/o Raghbir Sharma
26. P.M. Kurien
S/o Late Chacko Mathew
27. G. Revindran
S/o Late Gopalan
28. C.M. Bajaj
S/o Late L.R. Bajaj
29. Mrs Indu Raheja
W/o Surinder Kr. Raheja
30. Vinod Kumar Sharma
S/o P.R. Sharma
31. Vijay Kishan
S/o Late H.K. Bhatnagar
32. Shahid Ali
S/o Late Subhan Ali
33. Rakesh Chander
S/o Kishori Lal
34. Bhag Singh
S/o Chhotey Singh
35. Madhu Sudan Marwah
S/o S.D. Marwah
36. Rajinder Kumar
S/o Chiranjilal Azad
37. K.K. Patney
S/o Late Jassu Ram

(5)

38. S.L.Dhingra
VS/o Late Vir Bhan Dhingra

39. Om Prakash
S/o Shiv Charan Das

40. Mrs Sarla Vaid
W/o Late S.P.Vaid

41. Mrs Nirmal Sachdeva
W/o B.D.Sachdeva

42. R.N.Katyal
S/o Gulab Rai

43. Hari Shankar
S/o Jagan Nath

44. Rakesh Kr Kachroo
S/o R.N.Kachroo

45. G.S.Anand
S/o D.M.Raizada

46. Anil Kumar
S/o O.P. Chhabra

47. K.C.Gautam
S/o R.C.Gautam

...Applicants.

[All C/o Data Processing Centre
National Sample Survey Organisation
Department of Statistics
Ministry of Planning
Hans Bhawan -II
New Delhi - 110 002.

[By Mrs Shyamala pappu, Advocate)

Versus

Union of India through

1. Secretary
Dept. of Expenditure
Ministry of Finance
North Block
New Delhi

2. Secretary
Dept. 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 Ms Zumbul Rizvi Khan, Advocate)

O R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

This application has been filed by 47 applicants who are working as Data Processing Assistants and Data Entry Operators in the National Sample Survey Organisation under the 3rd respondent, aggrieved by the refusal of the representation made by them claiming extension to them of the benefit of the judgement in OA 625/90 and 725/90 of the Nagpur Bench of the CAT. The benefit which the applicants claim is to give them revised pay scale w.e.f. 1.1.86 instead of 1.1.9.89. The applicants made representations claiming the same benefit as was given to the applicants in the above said two OAs but the representations had been rejected by order dated 24.1.96 (Annexure P-1) solely on the ground that the applicants were not parties to the said applications.

2. A reply statement has been filed on behalf of the respondents 1-4 in which it is contended that as the applicants belong to two separate categories, a single application by them is not maintainable, that applicant No. 43 has already left the organisation and is, therefore, not entitled to any relief and that the applicants who are not parties to the decision cited by them are not entitled to the benefits of the decision, and that the question of extending

to them the benefit of the judgement was referred to the Ministry of Law and the Ministry opines that the applicants are not entitled to the same benefit and are, therefore, not entitled to the relief sought for by them.

3. When the application came for hearing today, the counsel on either side agree that the matter can be disposed of at the admission stage itself. The counsel for the applicants states that the relief claimed in regard to applicant No. 43 is not pressed and the claim of the remaining applicants alone may be considered.

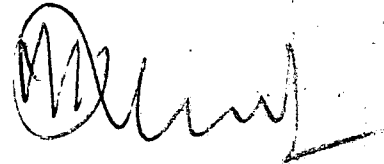
4. We have heard the learned counsel on either side. The contention that the application by two sets of officials belonging to two separate grades jointly is not maintainable has only to be rejected because though they are two different categories, their grievance is one and same and belong to one and same organisation. It is not disputed that employees similarly situated like the applicants approached the Nagpur and Calcutta Benches of the CAT for redressal of their grievances which are ^{the same as} projected by the applicants in this case and that the Tribunals upheld the claim and directed the respondents to give effect to the new pay scale w.e.f. 1.1.86 instead of 1.9.89. It is also borne out by the records that the orders of the Tribunals in those cases have been implemented and arrears of pay and allowances have been disbursed to the applicants concerned. The applicants herein belong to the very same organisation as the applicants before the Calcutta and Nagpur Benches. The respondents treated two sets of officers differently for the reason that one set approached the Court and the other did not. As a model employer, the respondents ~~should~~ have adopted a uniform

standard to similarly situated employees. Therefore, we find no justification in the respondents' ~~in~~ denying to extend to the applicants the benefit of the judgement in the two OAs mentioned. (a)

5. In the light of what is stated above, the claim of the applicant No. 43 not being pressed is not allowed. The application is disposed of with a direction to the respondents to grant the applicants the respective pay scales w.e.f. 1.1.86 instead of 11.9.89² already given to them, to refix their pay accordingly and to disburse to them consequential monetary benefits flowing from such refixation within a period 3 months from the date of receipt of this order.



(K.Muthukumar)
Member (A)



(A.V. Haridasan)
Vice Chairman (J)

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