

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

9

O.A. No. ~~T.A.~~ No. 1426 of 1997. Decided on: 22.1.1998

Mrs. Sushma Sharma & Ors. Applicant(s)

(By Advocate: Shri M.L. Ohri)

VERSUS

U.O.I. & Ors.

Respondents

(By Advocate: Shri V.P. Uppal)

CORAM

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

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

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

CENTRAL ADMINISTRATIVE TRIBUNAL  
Principal Bench

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O.A. No. 1426 of 1997

New Delhi, dated the 22<sup>nd</sup> JAN 1998

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

1. Mrs. Sushma Sharma,  
Assistant,  
O/o the D.G., Income Tax (Invest.)  
R/o 33, Sector-12,  
NOIDA, U.P.

2. Mrs. Promila,  
Assistant,  
R/o II-H/4, Lajpat Nagar,  
New Delhi.

3. Mrs. Ramesh Malhotra,

4. Shri Subhash Chander

5. Shri Ajit Gupta

6. Mrs. Sarita Kukreja

7. Mrs. Reeta Vij

8. Shri Dhanesh Prasad

9. Shri Hari Chand

(All are working as Assistants  
in D.G., Income Tax

(Investigation)

.... APPLICANTS

(By Advocate: Shri M.L. Ohri)

VERSUS

1. Union of India through  
the Secretary,  
Ministry of Finance,  
Dept. of Revenue,  
North Block,  
New Delhi.

2. The Secretary,  
Ministry of Finance,  
Dept. of Expenditure,  
North Block,  
New Delhi.

3. The Secretary,  
Ministry of Personnel, Public  
Grievances & Pensions,  
Dept. of Personnel & Training,  
New Delhi.

4. The Chairman,  
Central Board of Direct Taxes,  
Ministry of Finance,  
Dept. of Revenue,  
North Block,  
New Delhi.

5. The Director General of  
Income Tax (Invest.),  
Mayur Bhawan, 4th Floor,  
New Delhi-110001.

... RESPONDENTS

(By Advocate: Shri V.P. Uppal)

J U D G M E N T

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicants who are Assistants in  
Directorate General of Income Tax  
(Investigation) *prayer for grant of normal pay scale* of Rs.1640 - 2900 w.e.f. the  
date of their appointment as Assistants  
together with arrears and costs.

2. We have heard applicants' counsel  
Shri Ohri and respondents counsel Shri Uppal.

3. Shri Uppal has very fairly conceded  
that the afore-said pay scale prayed for by  
applicants was allowed to other Assistants in  
Directorate General, Income Tax (Invest.),  
North, New Delhi vide judgment dated 19.1.96  
in O.A. No. 97/93 and the challenge to that  
judgment before the Hon'ble Supreme Court in  
SLP No. 96 CC 2835 was dismissed on merits on  
11.7.96.

4. Under the circumstances the O.A.  
succeeds and is allowed to the extent that  
respondents are directed to grant applicants  
the scale of Rs.1640-2900 w.e.f. the date of  
their appointment as Assistants and calculate

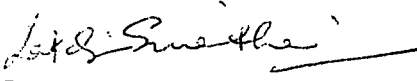
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and pay them their arrears within three months from the date of receipt of a copy of this order.

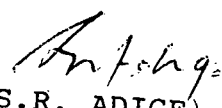
5. Shri Ohri has also prayed for costs and in this connection has invited our attention to Para 4 of the Hon'ble Supreme Court's judgment dated 17.4.89 in Smt. Prem Devi and another Vs. Delhi Administration & Ors. 1989 Supp. (2) SCC 330.

6. In the facts and circumstances of the present case, there is no doubt that the relief prayed for by identically placed applicants in O.A. No. 985/93 having been allowed by the Tribunal, and the challenge to the same having been dismissed by the Hon'ble Supreme Court, the present applicants should not have been compelled to come to the Tribunal, and respondents should themselves have extended the afore-said benefits to them. Under the circumstances the 9 applicants before us will be entitled to costs of Rs.500/- each, which should also be paid by respondents within the afore-said period of three months.

7. The O.A. is disposed of in terms of Paras 4 and 6 above. ~~DO NOT WRITE~~

  
(Mrs. LAKSHMI SWAMINATHAN)  
Member (J)

/GK/

  
(S.R. ADIGE)  
Vice Chairman (A)