

Central Administrative Tribunal
Principal Bench : New Delhi.

O.A.No.955/97

This the ¹²9 day of ^{January}December, 1998.

HON'BLE DR. JOSE P. VERGHESE, VICE CHAIRMAN (J)

HON'BLE MR. N. SAHU, MEMBER (A).

1. Mrs. Nupur Banerjee,
W/o Sh. Arun Prakash Banerjee.
2. Mrs. Gauri Chakravarty,
W/o Sh. Asutosh Chakravarty.
3. Mrs. Chhaya Dutta,
W/o Sh. Sunil Dutta,
4. Mrs. Papri Sengupta,
W/o Sh. Bibhutosh Sengupta.
5. Mrs. Asha Prasad,
W/o Sh. P. R. Prasad.
6. Mrs. Kusumlata Mathur,
W/o Sh. R. B. Mathur.
7. Mrs. Kanwalkanta Girdhar,
W/o Sh. P. D. Girdhar.
8. Mrs. Alok Dutta,
W/o Sh. N. K. Dutta.
9. Mrs. Sarla Tyagi,
W/o D. R. Tyagi.
10. Mrs. Pronati Dutta,
W/o Sh. P. Dutta.
11. Mrs. Kamlesh Katyal,
W/o Sh. R. N. Katyal.
12. Mrs. Kanchan Talwar,
W/o Sh. M. M. Talwar.
13. Shri Chitranjan Maithi,
S/o Sh. B. K. Maithi.
14. Ms. Indu Dutta,
W/o Sh. Rajendra Dutta.
15. Ms. Sudesh Anand,
W/o Sh. Vinay Kumar.
16. Ms. Swaran Issar,
W/o Sh. Rajesh Issar.
17. Shri Sanykata Kumar Jain,
S/o Sh. Late P. C. Jain.
18. Shri Raj Kumar,
S/o Sh. Late Mani Ramji.

19. Shri Parth Singh Chouhan,
S/o Late Sh.K.L. Chouhan.

20. Shri N.K.Bhatia,
S/o Sh. O.P. Bhatia.

.....Applicants

(All C/o Data Processing Centre National Sample Survey
Organisation, Department of Statistics, Ministry of
Planning, Hans Bhawan-II, New Delhi-2)

(By Advocate Sh. P.K.Sharma)

Versus

1. Union of India, through
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.
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. S.M. Arif)

JUDGEMENT

By Hon'ble Shri N.Sahu, M(A).

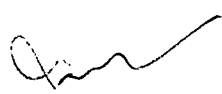
1. Applicants 1 to 13 are employed as Data Processing Assistants and applicants 14 to 20 as Data Entry Operators Grade-B of the National Sample Survey Organisations, Department of Statistics, Ministry of Planning, Govt. of India. Following the recommendations of Seshagiri Committee, the Department of Statistics changed the pay scale of Group 'B' and 'C' officers w.e.f. 11.9.89

by an order dated 2.7.90. This order was challenged before the Nagpur Bench in OA-625/90 with a large number of intervenors. By a final order on 7.3.95 both OAs 625/90 and 755/90 were allowed. New pay scales were allowed from 1.1.86. Another OA-655/96 was allowed by the Delhi Bench on 14.8.96 following Nagpur Bench's decision. 10

2. The applicants prayed for extending the benefit of the judgement passed by this Tribunal on 14.8.96 in OA-655/96 in the case of Balbir Singh & Ors. vs. Union of India & Ors. with regard to the implementation of new pay scale (Rs.1350-2200) w.e.f. 1.1.86 instead of 11.9.89. The Delhi and Nagpur Benches of C.A.T. allowed this relief in other cases and also directed the extension of the benefit to those who are working in the same Office/Organisation.

3. The respondents after notice contend that the orders referred to above were applicable to the applicants only in those cases and the extension prayed for to the applicants in this case could not be allowed because of a policy decision of the Ministry of Finance. No other objection was taken by the respondents, ~~on~~ principle to the C.A.T. orders.

4. The applicants cite the following decisions of the Supreme Court to the effect that if a relief is granted to a particular group, it should be equally applied to all those who are similarly placed. There is no justification to delay or deny the relief to similarly situated other persons simply because they did not litigate (i) **Amrit Lal Vs. Collector CES (Rules) AIR 1975 S.C. 538** (ii) **K.I. Shephard & Ors. Vs. U.O.I. AIR 1988 S.C. 686.** (iii) **Nripendra Chandra Dey Vs. U.O.I. 1990(13)ATC 344.** As the



applicants are working in the same Ministry and the same department the respondents cannot deprive them of the new pay scale given to the applicants in Nagpur, Calcutta and Delhi where the respondents were directed to grant new pay scales w.e.f 1.1.86 instead from 11.9.89 and to refix their pay accordingly. The respondents cannot treat differently those who did not approach the court from those who approached the Court. (1)

3. The respondents are directed to apply and implement the decision in OA-655/96 in the case of the applicants as they are similarly situated and issue consequential order and benefits to the applicants within a period of three months from the date of receipt of a copy of this order. O.A. is allowed. No order as to costs.



(N. SAHU)
MEMBER(A)



(DR. JOSE P. VERGHESE)
VICE CHAIRMAN(J)

RB.