

Central Administrative Tribunal  
Principal Bench, New Delhi.

OA-425/94

New Delhi this the 25th Day of October, 1994.

Hon'ble Mr. B.N. Dhoundiyal, Member(A)

1. Shri I.C. Sood,  
S/o late Shri Udho Ram Sood,  
R/o F-2/14, Model Town,  
Delhi-9.
2. Shri Balbir Singh Gupta,  
S/o Shri Devi Chand,  
R/o A-1/9, Paschim Vihar,  
Delhi.
3. Shri V.P. Mishra,  
S/o Shri S.K. Mishra,  
R/o 338, MIG,  
Pocket-C, Phase-III,  
Ashok Vihar,  
New Delhi.
4. Shri M.P. Singh,  
S/o Shri Baboo Singh,  
R/o 298, MIG,  
Pocket-C, Phase-III,  
Ashok Vihar,  
New Delhi.
5. Shri K.K. Dhawan,  
S/o Shri M.R. Dhawan,  
R/o 46, Delhi Administration Flats,  
Greater Kailash Part-I,  
New Delhi-48.
6. Ms. Sushma Jain,  
W/o Shri S.C. Jain,  
R/o AD/668, Shalimar Bagh,  
Delhi-52.
7. Shri O.P. Aggarwal,  
S/o Shri Harish Chander Aggarwal,  
R/o A-2/23, Rajouri Garden,  
New Delhi.
8. Shri S.C. Gandhi,  
S/o Shri Khushi Ram,  
R/o 78-D, Pocket-A,  
DDA GFS Flats,  
Sukhdev Vihar,  
Delhi-55.

Applicants

(through Sh. S.M. Rattan Pal, advocate)

versus

1. Union of India  
through Secretary to the  
Government of India,  
Ministry of Human Resource  
Development, Deptt. of Education,  
New Delhi.

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2. The Secretary,  
Ministry of Finance,  
North Block,  
New Delhi.
3. The Chief Secretary,  
Government of National Capital  
Territory of Delhi,  
Sham Nath Marg,  
Delhi-54.
4. The Secretary (TE),  
Government of National Capital  
Territory of Delhi,  
Directorate of Training and  
Technical Education,  
Rouse Avenue,  
Delhi.
5. The Principal,  
Delhi College of Engineering,  
Kashmere Gate,  
Delhi-6.

Respondents

ORDER(ORAL)

delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A)

The applicants are aggrieved by the impugned letter dated 25.11.1992 issued by the Directorate of Training & Technical Education, Delhi Administration rejecting the extension of relief of fixation of pay under FR 22(C) given by this Tribunal in the case of Sh. R.N. Chatterjee & Ors.

The brief facts of the case are these. The applicants were appointed as Lecturers in the scale of Rs.400-950 with effect from 25.11.1972 alongwith Sh. Ramendra Nath Chatterjee who came to this Tribunal in TA No.888/85. Earlier, they were working as Lecturer (ordinary scale)/Associate Lecturers in the scale of Rs.375-650. These posts ~~had~~<sup>be</sup> been abolished and in view of this equal number of posts of Lecturers had been created. On appointment as Lecturers, their pay was fixed under FR 22. They were denied the benefit of increment in the lower scale of pay under FR 22(C). In

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the judgement dated 1.9.1986, this Tribunal ordered the respondents to fix the pay of the applicant as Lecturer under FR 22(C) which requires that on such appointment the initial pay in the time-scale of the higher post should be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by an amount equal to the last increment in the time-scale of the lower post. The respondents were also directed to pay arrears of pay and other consequential benefits, if any due, as a result of such fixation. On 19.12.1986 the College authority issued a memorandum intimating that it has been decided to fix the pay under FR 22(C) of the Lecturers who were appointed to these posts with effect from 25.11.1972 from the post of Associate Lect./Lect.(Ordinary Scale). The applicants alongwith others were asked to submit their pay slips for the month of November, 1972 to fix their pay under FR 22(C). The applicants were assured that their re-fixation of pay was under consideration but on 25.11. 1992, the Delhi Administration issued the impugned letter (Annexure-A) to the Principal, Delhi College of Engineering, Delhi intimating that Department of Education, Ministry of Human Resource Development, Govt. of India have regretted their inability to extend the relief of fixing of pay under FR 22(C) given by this Tribunal in the case of Shri R.N. Chatterjee and 28 similarly placed Lecturers.

Numberous opportunities were given to the respondents to file their counter and different counsels were representing them at different time. On 3.10.94

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this Tribunal issued an order forfeiting their right to file a reply and listed the case for final hearing for today. The case has been taken up in the revised list, no one is present on behalf of the respondents. The O.A. is, therefore, disposed of on the basis of the submissions made by the learned counsel for the applicants and pleadings on record.

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I have considered the question whether the judgement having been delivered in Chatterjee's case on 1.9.1986, the present application is barred by limitation. The learned counsel for the applicant has drawn my attention to the judgement of the Calcutta Bench of this Tribunal in the case of Sunilendu Chowdhury & Ors. Vs. U.O.I. & Ors. dated 21.4.1992 (ATR 1992 (2) CAT 179) wherein it was held that "when a decision has been given by a Tribunal or a Court in favour of some of the employees and has thereafter been implemented, the same benefit has to be extended to similarly circumstanced employees and not doing so would amount to discrimination." Another judgement cited is dated 25.8.1993 in O.A.No. 2086/90 of the Principal Bench of this Tribunal of which the undersigned was also a Member. In that case, the respondents had placed reliance on the judgement of Supreme Court in the case of Bhoop Singh Vs. Union of India & Ors. (JT (1992) 3 SC 322) on the question of limitation. The Tribunal found that in case of Bhoop Singh, the order of termination was challenged after 22 years on the ground that similarly dismissed employees had been reinstated in service. It was held that in the absence of any explanation of the inordinate

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delay, the relief prayed for should have been refused. However, in the present case, the College Authorities had intimated to the applicants their decision to refix their pay under FR 22(C) and given them the impression that the benefit of the aforesaid judgement was being extended to them. It was only on 23.2.1993 when they came to know about the rejection of their claim vide the impugned letter dated 25.11.1992. I, therefore, hold that in this case it would be reasonable to take a view that the cause of action arose when the applicants came to know about a change in the decision of the Authority that the benefit of the judgement in Chatterjee's case will not be extended to them.

I, therefore, hold that the applicants are entitled to the benefit of the judgement of this Tribunal in case of Chatterjee's case Vs. U.O.I. & Ors. On their appointment as Lecturers, their pay has to be refixed under FR 22(C). This application is accordingly allowed. The pay and allowances of the applicants shall be recalculated in accordance with FR 22(C) and pay to the applicants within a period of four months from the date of receipt of a copy of this order.

With these observations, the O.A. is disposed of finally.

No costs.

B.N. Dhoundiyal  
(B.N. Dhoundiyal)

Member(A)

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