

(P)

Central Administrative Tribunal, Principal Bench

Original Application Nos.1107 & 1223 of 2000 and 130 of 2001

New Delhi, this the 18th day of May, 2001

Hon'ble Mr.V.K.Majotra, Member (Admnv)
Hon'ble Mr.Shanker Raju, Member(J)

(1)Original Application No.1107 of 2000

1. Sunder Singh S/o Chand Ram R/o 127/L, Sector IV, Pushp Vihar, New-110 017. Working as SFA, Cabinet Secretariat Bikaner House (Annexe), Shajahan Road New Delhi.
2. S.S.Rothan, S/o Narain Singh R/o 624, Sector II Type II, Sadiq Nagar New Delhi-110 049. Working as SFA, Cabinet Secretariat Bikaner House (Annexe), Shajahan Road New Delhi.
3. Kundan Singh S/o Khem Singh R/o 184, Chandra Vihar Mandawali, Delhi. Working as SFA, Cabinet Secretariat Bikaner House (Annexe), Shajahan Road New Delhi.
4. Ranjit Singh Rawat S/o Kundan Singh Rawat R/o 1980, Lodi Complex Lodhi Road New Delhi. Working as SFA, Cabinet Secretariat Bikaner House (Annexe), Shajahan Road New Delhi.
5. Dan Singh S/o Nathu Singh R/o D-72A, Brij Vihar Ghaziabad (U.P) Working as FA, Cabinet Secretariat Bikaner House (Annexe), Shajahan Road New Delhi.
6. Dharam Singh S/o Umed Singh R/o 260, Block No.1, Khichripur, DDA Flats Delhi. Working as SFA, Cabinet Secretariat Bikaner House (Annexe), Shajahan Road New Delhi.
7. Shambu Prasad R/o 204, K Block Kalibari, New Delhi. Working as SFA, Cabinet Secretariat Bikaner House (Annexe), Shajahan Road New Delhi.
8. Pan Singh Bisht S/o Nar Singh Bisht R/o RZ D-2, 147 Gali No.3, Mahavir Enclave Palam, New Delhi. Working as SFA, Cabinet Secretariat Bikaner House (Annexe), Shajahan Road New Delhi.
9. Mohan Lal S/o Kasturi Lal R/o 1087, Lodhi Complex Lodhi Road, New Delhi. Working as SFA, Cabinet Secretariat Bikaner House (Annexe), Shajahan Road New Delhi.
10. Narain Singh S/o Bhu Pal Singh R/o 229/18-D, Fazal Pur Mandawali Railway Colony Delhi. Working as SFA, Cabinet Secretariat Bikaner House (Annexe), Shajahan Road New Delhi.
11. John Will Tirki S/o Late Sh. Daniel Tirki R/o RZ Block 12-B Kailash Puri, Gali No. 1, Palam New Delhi. Working as SFA, Cabinet Secretariat Bikaner House (Annexe), Shajahan Road New Delhi.

12. Hari Dutt Sharma S/o K.R. Shrama, R/o M-54, Sector IV, DIZ Area, Gole Market New Delhi. Working as AFO, Cabinet Secretariat Bikaner House (Annexe), Shajahan Road New Delhi -Applicants

(By Advocate Shri J.K.Bali)

VERSUS

Union of India through

1. The Secretary (R) Cabinet Secretariat 7, Bikaner House (Annexe), Shajahan Road New Delhi-110 001.
2. Special Secretary-I Cabinet Secretariat 7, Bikaner House (Annexe), Shajahan Road New Delhi-110 001.
3. Under Secretary (PERS-II) Cabinet Secretariat 7, Bikaner House (Annexe), Shajahan Road New Delhi-110 001. -Respondents

(By Advocate Shri Mahdav Panikar)

(2)Original Application No.1223 of 2000

1. Kali Ram S/o Sh. Shiv Dayal R/o Vill. Rajpur Khurd, PO IGNOU New Delhi. Working as AFO (GD) in the Cabinet Secretariat.
2. M.P. Peter S/o Late Sh. T.K. Peter R/o Block 86/399, Sector I, Gole Market, New Delhi. Working as SFA (GD) in the Cabinet Secretariat.
3. Balbir Singh, S/o late Sh. Chandgi Ram, R/o 72/4, Pushp Vihar, New Delhi. Working as AFO in the Cabinet Secretariat.
4. R.K. Sharma S/o Late Sh. S.C Sharma, R/o Sector 7/453, R.K. Puram New Delhi. working as AFO(GD) in the Cabinet Secretariat.
5. C.S.Rawat S/o Late Sh.P.S.Rawat, r/o 92/1, Sector-1, Pushp Vihar, New Delhi. Working as AFO(GD) in the Cabinet Secretariat.
6. Gopal Ram S/o Sh.Shri Ram r/o 110/G, Sector 4, Pushp Vihar, New Delhi. Working as AFO(GD) in the Cabinet Secretariat.
7. N.K.Sharma S/o late Seri Chand Sharma r/o 101, Prem Nagar, Karnal, Haryana. Working as SFA in the Cabinet Secretariat.
8. Khem Bahadur S/o late Shri Sukh Bahadur, r/o c/o Babu Lal Sharan, Property Dealer, Main Road, Ghitorni, New Delhi. Working as SFA (GD) in the Cabinet Secretariat.
9. Keshub Dutt S/o Shri Bala Dutt, r/o Block No.63, Qr.No.60, DIZ Area, Gole Market, New Delhi. Working as SFA Working as SFA (GD) in the Cabinet Secretariat.
10. D.S.Yadav S/o Bhartu Singh r/o 21 N, CPWD Complex, Basant Vihar, New Delhi. Working as AFO(GD) in the Cabinet Secretariat.

(M)

11. Bani Singh s/o Sh.Bhagwan Singh, r/o V&PO Ghoga, Delhi. Working as AFO(GD) in the Cabinet Secretariat.
12. G.S.Bisht, s/o Shri D.S.Bisht, r/o A 129, Kidwai Nagar, New Delhi Working as AFO(GD) in the Cabinet Secretariat.
13. D.N.Joshi, S/o B.D.Joshi (late), r/o Block 3/6, Sector-I, Pushp Vihar, New Delhi-110017. Working as AFO(GD) in the Cabinet Secretariat.
14. N.Ranganathan, S/o late Shri V.Narayanaswamy Iyer, R/o Qr.No.21/84, Lodhi Colony, New Delhi-110003 Working as SFA (GD) in the Cabinet Secretariat.
15. Inderjit, S/o Shri Pyare Lal r/o Vill.Rampur, P.O. Pataudi, Distt.Gurgaon (Haryana).Working as AFO(GD) in the Cabinet Secretariat.
16. C.P.Joshi, S/o Late Shri Pati Ram Joshi, II/36, North-West Moti Bagh, New Delhi-110021. Working as AFO(GD) in the Cabinet Secretariat.
17. G.P.Sharma, S/o Late Shri Gokul Prasad, R/o K-171/19-A Sangam Vihar, New Delhi-110062 Working as AFO(GD) in the Cabinet Secretariat.
18. Ram Anjour, S/o late Devi Deen r/o 402, Timarpur, Delhi-110054. Working as SFA (GD) in the Cabinet Secretariat.
19. Guru Prasad S/o Purnand Pant, r/o Secctor 5/871, R.K.Puram, New Delhi-110022 Working as AFO(GD) in the Cabinet Secretariat. -Applicants

(By Advocate Shri J.K.Bali)

VERSUS

Union of India through

1. The Secretary (R) Cabinet Secretariat 7, Bikaner House (Annexe), Shajahan Road New Delhi-110 001.
2. Special Secretary-I Cabinet Secretariat 7, Bikaner House (Annexe), Shajahan Road New Delhi-110 001.
3. Under Secretary (PERS-II) Cabinet Secretariat 7, Bikaner House (Annexe), Shajahan Road New Delhi-110 001. - Respondents

(By Advocate Shri Madhav Panikar)

(3)Original Application No.130 of 2001

1. K.L. Gupta, AFO (GD)
2. Ishwar Dutt, AFO (GD)
3. Shri Durga Nath Mahant, SFA(GD)
4. Jagdish Singh, SFA(GD)
5. IS Rawat, AFO(GD)

V

6. Anil Vadhera, AFO (GD)
7. Faqir Singh, SFA(GD)
8. Sohan Pal Singh (AFO)
(All the applicants are working
in the office of Respondents No.2. - Applicants
(By Advocate Shri M.K.Gupta)

VERSUS

1. Union of India, Through the Secretary (R).
Cabinet Secretariat, 7,Bikaner House (Annexe),
Shajahan Road New Delhi-110 003.
2. Special Secretary-I Cabinet Secretariat 7,Bikaner
House(Annexe),Shajahan Road New Delhi-110003-Respondents
(By Advocate -Shri Madhav Panikar)

Common Order

By V.K.Majotra, Member(Admnv) -

As the facts are identical and the issue involved in aforementioned three cases is common, they are being disposed of by this common order.

2. The applicants in these three OAs are non-matriculate Field Assistants/Senior Field Assistants (for short 'FAs/SFAs') (GD) earlier designated as Security Guard in the Research and Analysis Wing (for short 'RAW') of Cabinet Secretariat prior to 1.1.1973. They were appointed in the same pay scale as the Matriculate FAs. They had a common seniority list. Separate pay scales were provided for matriculate and non-matriculate FAs/SFAs after 1.1.1973. There are three different departments within the Cabinet Secretariat i.e. the RAW, Aviation Research Centre (for short 'ARC') and SSB. The applicants have claimed that there had been parity in the pay scales etc. within the RAW and ARC on various posts including the Security Guards, but in ARC they were called as Constables. The 3rd Pay Commission recommended the pay scale of Rs.210-270 for non-matriculate FAs and pay scale of Rs.225-308 for Matriculates. Similar division was done for similarly placed staff designated as Constables in

the ARC with effect from 1.1.1973. The FAs of ARC approached the Cuttack Bench of the Tribunal in the case of Shri Bichitrananda Mohanty & others Vs. Union of India and others, O.A.No.57 of 1986 seeking declaration of differentiation in the pay scale between matriculate and non-matriculate FAs as discriminatory and violative of Articles 14 and 16 of the Constitution of India on the ground that the rules and administrative instructions on the basis of which such differentiation had been done could not have retrospective effect. The said OA was allowed vide order dated 20.2.1992 with the following directions:-

"9. In view of the discussions made above we hold that the provisions contained in the ARC/SFF(Field Officers) Service Rules,1976 not having any retrospective operation and being prospective, has no application to the present applicants. Further more, we hold that for the reasons stated above, the circular memorandum bearing No.XII-35890 dated 27.2.1975 contained in Annexure-2 is not sustainable, it is hereby quashed. We further hold that the applicants are entitled to a pay scale of Rs.225-308/- and accordingly each of them be paid with effect from 1.1.1973. Arrears to which the applicants are entitled be calculated and each of them be paid within 90 days from the date of receipt of a copy of this judgment.

10. Thus, this application stands allowed leaving the parties to bear their own costs.

The Union of India filed an appeal against the said order before the Hon'ble Supreme Court vide Civil Appeal No.3567/1993. The Hon'ble Supreme Court dismissed the said Civil Appeal vide order dated 24.11.1998 which reads as under:-

"We see no infirmity in the order of the Tribunal which has directed that the Constables who were recruited prior to 1.1.1973 should be paid identical scales of pay, especially in view of the fact that there is nothing on the record to show that the Matriculate and non-Matriculate Constables were performing different duties. The order of the Tribunal is correct and requires no interference. The appeal is accordingly dismissed. No order as to costs".

After dismissal of aforesaid Appeal, the respondents implemented the directions of Cuttak Bench in the case of Bichitrananda Mohanty (supra) in respect of FAs of the ARC. The applicants represented to the respondents requesting for grant of the same pay scale and relief as granted to matriculate FAs from 1.1.1973 on the basis of the ratio of aforesaid decision in the case of Bichitrananda Mohanty (supra). The respondents have rejected the representations of the applicants vide various communications stating that the "matter regarding extension of the benefit of CAT judgment to Non-Matric FAs who are non-Petitioners in the above case was taken-up with the Ministry of Finance. They have conveyed the decision to the effect that the benefit of the judgment of CAT is given only to the petitioners and the same is not automatically extended to the non-Petitioners. This policy is being adopted uniformly in all the cases". The applicants are aggrieved by the rejection of their representations and non-extension of the benefit of the judgment in the case of Bichitrananda Mohanty (supra) to non-matriculate FAs who were non-petitioners in the said case.

3. The applicants have contended that no rules under Article 309 of the Constitution of India were framed for the cadres of the applicants on the lines of ARC/SFF (Field Officers) Service Rules, 1976. Therefore, administrative instructions making differentiation between the matriculate and non-matriculate FAs/SFAs cannot have retrospective effect to the detriment of the applicants. The 3rd CPC had not made any recommendations for introduction of different pay scales for matriculate and non-matriculate FAs/ Security Guards

W

:: 7 ::

in the RAW. The applicants have sought direction that they are entitled to pay scale of Rs.225-308/- with effect from 1.1.1973 and consequential arrears.

4. In their counter the respondents have stated that in the year 1984 the designation of Security Guards in RAW was changed to FAs and SFAs vide Notification dated 19.3.1984 (Annexure-F). The pay scales of Security Guards/ FAs were also amended to the effect that FAs doing orderly duties will get the scale admissible to non-matriculate (Rs.210-270) and matriculate FAs would be placed in the scale of Rs.225-308 after rendering 15 years or more regular service in the grade. The post of Security Guard/FA was also reclassified as Group-C (non-gazetted) post vide notification dated 19.10.1984 with retrospective effect from 25.7.1980 (Appendix-G). According to the respondents the FAs (matriculate) are required to assist the Field Office/ other senior officers in the field of conducting intelligence operation to collect intelligence and are required to submit written report to their higher supervisory officers about the tasks assigned to them from time to time. On the other hand the non-matriculate FAs being not educationally qualified are mainly deployed to others works of messenger/ office work and mostly attached to the officers at headquarters and outstation SBx. The respondents have stated that Pay Commission is the specialised body to determine the pay scale of each post in all departments. According to the respondents, the judgment in the case of Bichitrananda Mohanty (supra) was delivered in respect of personnel of ARC which is a different department with a different recruitment

process and, therefore, its benefit cannot be extended to the applicants working in RAW which follows the rules of IB.

5. We have heard learned counsel of parties and considered material on record.

6. The learned counsel of respondents Shri Madhav Panikar at the out set raised an objection of maintenance of OAs on the ground of limitation. He stated that the applicants have claimed relief of grant of pay scale of Rs.225-308 with effect from 1.1.1973 and also that cause of action in the present matters had arisen when FAs/SFAs (GD) of RAW were differentiated on the ground of qualification for according different pay scales to matriculate and non-matriculates by virtue of circular memorandum dated 27.2.1975. He stated that this cause of action had arisen more than three years prior to the constitution of the Tribunal and as such this Tribunal has no jurisdiction in the matter. Shri Panikar, learned counsel relied on the decisions in the cases of Paramu Gopinathan Achary Vs. Union of India and others, 1986 ATC 514, M.K.Balachandran Pillai Vs. Central Administrative Tribunal, (1995) 29 ATC 450, State of Karnataka and others Vs. S.M.Kotrayya and others, (1996) 6 SCC 267. In the matter of Paramu Gopinathan Achary (supra) impugning of final order passed prior to 1.11.1982 was held to be time barred, by the CAT, New Bombay Bench. It was further held that the earliest day on which application could have been made to the Tribunal is on 1.11.1985 on which date the Tribunal came into existence. The combined effect of sub-sections (1) and (2) of Section 21 of Administrative Tribunals Act, 1985 was stated to be that no application can be filed before the Tribunal in respect of final orders passed prior to 1.11.1982 by the Government or

WJ

other competent authority under the relevant service rules. In the case of M.K.Balachandran Pillai (supra) it was held by CAT Ernakulam Bench that reckoning of limitation from the date of reply to a delayed representation, on facts, did not give rise to fresh limitation period. In the case of S.M.Kotrayya (supra) the applicants had filed a belated application immediately after coming to know that in similar claims reliefs had been granted by the Tribunal. It was held by their Lordships that mere filing of the belated application on coming to know that similar claims had been granted is not a proper explanation to justify condonation of delay. On the other hand the learned counsel of applicants have stated that whereas the respondents in their counter replies had taken a perfunctory plea of limitation without stating any facts or case law, they are now coming up with judgments in support of their superficial objection. They further maintained that not only that the OA in the case of Bichitrananda Mohanty (supra) had similar facts relating to the present impugned order, the objection of delay in filing of another similar matter in the case of Shri Kirat Singh Rawat & others Vs. Union of India & another, O.A.1205 of 2000 decided on 22.1.2001 was over-ruled by a co-ordinate Bench of this Tribunal. The case of Shri Kirat Singh Rawat (supra) also related to Constables who were redesignated as Security Guards and ultimately as FAs. It was pointed out by the respondents, in that case, that the cause of action had arisen way back on 26.4.1976 when rules were framed for according different pay scales for matriculate-Constables and non-matriculate Constables and that OA having been filed on 30.6.2000 was hopelessly time barred. The Court after considering the

contention of the respondents on limitation found that the decision of the Ministry of Finance making the judgment of the Cuttack Bench applicable only to the applicants therein was taken on 6.10.1999 and was conveyed vide circular dated 1.11.1999 whereby the benefit of aforesaid judgment was denied to the applicants. On the basis of the circular dated 1.11.1999 denying benefit of the judgment of Cuttack Bench, the OA filed on 30.6.2000 was held to be within the period of limitation and objection of limitation was accordingly negatived. The present matter also relates to FAs and SFAs of another wing of Cabinet Secretariat like the applicants in the case of Shri Kirat Singh Rawat (supra), whereby their representations for grant of identical scale of matriculate FAs and extension of benefit of CAT Cuttack Bench in the case of Bichitrananda Mohanty (supra) to the applicants was denied vide memorandum dated 26.11.1999. The facts and circumstances of the present OA and the case of Shri Kirat Singh Rawat (supra) being identical, the objection of limitation in the present matter is also rejected as the findings of that judgment are squarely applicable to the present case and are binding as a precedent having been given by a co-ordinate Bench of this Tribunal. This conclusion is further re-inforced by the ratio of the Hon'ble Supreme Court in the case of M.R.Gupta Vs. Union of India and others, (1995) 5 SCC 628 = AIR 1996 SC 669 wherein their Lordships have held that fixation of pay is a continuing wrong against the concerned employee giving rise to a recurring cause of action each time he was paid salary, and the question of limitation would arise for recovery of arrears for the past period.

7. On merits learned counsel of respondents Shri Panikar contended that not only that FAs and SFAs of RAW have been differentiated on the basis of their qualifications for according different pay scales, their duties and responsibilities are also different and have been taken into consideration by the Pay Commission before recommending separate scales for them. The learned counsel of applicants contradicted the claims of the respondents in this regard. Particularly, Shri M.K.Gupta, learned counsel maintained that whereas there had been parity in the pay scales within RAW and ARC on various posts including Security Guards (FAs/SFAs) and all these organisations are under the Cabinet Secretariat, the applicants have been discriminated against, without proper examination of duties and responsibilities of FAs and SFAs. He further maintained that differentiation on the ground of different duties and responsibilities has not at all been mentioned in the impugned order. He pointed out that in the impugned order the only ground taken for grant of different pay scales to matriculate and non-matriculate FAs/SFAs with effect from 1.1.1973 is that the benefit of the judgment of CAT Cuttak Bench is given only to the petitioners in that case and the same is not automatically extended to the non-Petitioners. In the impugned order there is a reference to the decision of the Ministry of Finance which also does not refer to any study made regarding the duties and responsibilities of FAs and SFAs. According to Shri Gupta, learned counsel, now the respondents have attempted at improving their case and grounds by stating that differentiation in the pay scales of matriculate and non-matriculate FAs and SFAs in RAW has been made on the basis of difference in their duties and responsibilities.

8. We have considered the material on record and the respondents have also not been able to bring to our notice any study made by themselves or by the Pay Commission of duties and responsibilities of FAs and SFAs before according different pay scales to matriculate and non-matriculate SFAs. Shri Gupta learned counsel, particularly referred to the following portion of paragraph 6 of respondents' counter in OA 1223/2000 to dig out holes in respondents' claim - the "Non-Matriculate Security Guards(FA), on the other hand, being not educationally qualified, are mainly deployed for other works of messenger/ office work and mostly attached to the officers at Hqrs. and outstation SBx. It is not out of place to mention here that the Pay Commission is a specialised body to determine the scale of pay of each posts in all Departments" (emphasis supplied by us). Shri Gupta contended that use of expressions 'mainly' and 'mostly' brings vagueness in the claim of respondents. It means that non-matriculate FAs are many times deployed to do same work as is claimed to be entrusted with matriculate FAs/ SFAs. He further stated that Pay Commission is certainly a specialised body to determine scales of pay of various posts in all Departments but in the present case this has not been done by the Pay Commission after making any study of duties and responsibilities of matriculate/ non-matriculate FAs/SFAs. Shri Gupta drew our particular attention to Appendix-A to counter reply of respondents in OA 1223/2000, which is a DO letter dated 19.7.1984 from Shri G.P.Chadha, Director (SR) to Shri R.K.Mathur, Member Secretary, Fourth Pay Commission. The contents of said letter are reproduced below:-

"The salary pattern of the posts in R&AW and the DG (S) closely follows the pattern in Intelligence Bureau, CRPF and ITBP. In view of the sensitive

1b

24

nature of the functions of these two organisations, the Third Pay Commission was informed that the functions and details of pay etc. of posts in these organisations were not being furnished to the Commission. Accordingly, the Commission did not make any reference to posts in these organisations in its Report and the pay scales were revised on the analogy of corresponding posts in Intelligence Bureau, ITBP and CRPF.

2. The present position is that practically all posts in R&AW and DG (S) are comparable to corresponding/ similar posts in the IB, ITBP and CRPF. We, therefore, propose to accept the analogy in respect of such posts in these organisations and the recommendations of the Fourth Pay Commission for these posts in IB, CRPF and ITBP could be extended to comparable posts in the R&AW and DG(S). The Commission is, therefore, requested to agree to the adoption of the proposed procedure which is the same as was followed at the time of the Third Pay Commission, in so far as the posts in R&AW and DG(S) under this Secretariate are concerned.

In response to above letter, the Fourth Pay Commission informed Shri Chadha vide their letter dated 3.7.1984 (Appendix-H) that the Pay Commission had no objection to the adoption of the procedure as proposed by them. This letter of the Pay Commission is proof enough to establish that the Pay Commission had not considered the duties and functions of any posts in the RAW. The respondents have also not established before us that any study had been conducted by them relating to duties and responsibilities of FAs and SFAs of RAW. Further, Shri Gupta, learned counsel brought to our notice that matriculation was not the prescribed qualification for the post of Constable/FAs/ Security Guards in the RAW. The qualification of Matriculation was brought in only after 1984. In the absence of any proof furnished by the respondents regarding any detailed study by Pay Commission/ respondents, about duties and responsibilities of the posts held by the applicants, it can safely be concluded that differentiation in pay scales of matriculate and non-matriculate FAs/SFAs has been made arbitrarily and without any rationale.

9. Shri Gupta, learned counsel of applicants in OA 130/2001 has also relied on the decision of a Full Bench of the Tribunal in the case of C.S.Elias Ahmed Vs. Union of India, (1993) 24 ATC 181= CAT(F.B.)Vol.III 169 wherein it is observed that it is well settled law that when a Court or Tribunal declares a rule or an order as void as offending the equality clause under the Constitution, the benefit of rule has to be extended to every one concerned and not restricted to the parties who brought the action. He also relied on the case of Amrit Berry Vs. Union of India, 1975 (4) SCC 714 wherein their Lordships have held that "when a citizen aggrieved by the action of Government department has approached the Court and obtained a declaration of law in his favour, others in like circumstances, should be able to rely on the sense of responsibility of the department concerned and to expect that they will be given the benefit of this declaration without the need to take their grievance to court". He has further relied on the case of Smt.Prem Devi and another Vs. Delhi Administration and others, 1989 (Suppl) 2 SCC 330 wherein their Lordships have held that "[T]he facts as are not in dispute the case of one of the employees having been decided by this Court it was expected that without resorting to any of the methods the other employees identically placed would have been given the same benefit, which would have avoided not only unnecessary litigation but also of the waste of time and the movement of files and papers which only waste public time". In similar facts and circumstances this Tribunal in the case of P.K.Rangachari Vs. Union of India & another (1993) 24 ATC 884 has held as follows:-

"6.....where the Court deals with a matter which is individual and personal to the government servant, like pay fixation or a

26

disciplinary proceedings, that decision would apply obviously only to that government servant. If on the contrary the decision/even in a case filed by a single government servant pertains to a question of principle relating to the conditions of service, even though it is not couched in the form of a general principle, it applies automatically to all those who are in the same situation. That is the effect of the status of the government servant who is governed by a set of rules applicable to all. In such cases, the decision of the Tribunal partakes of the nature of a rule and it gets added to the set of existing rules or modifies one of them.....".

10. In our considered view the ratios of the above judgments along with those in cases of Bichitrananda Mohanty (supra) and Shri Kirat Singh Rawat (supra) are squarely applicable to the facts and circumstances of the present case and as such the findings given by the Tribunal in the case of Shri Kirat Singh Rawat (supra) are mutatis mutandis applicable in the instant cases also.

11. In the result the present OAs are partly allowed. The applicants are directed to be paid pay scale of Rs.225-308 w.e.f.1.1.1973 notionally. However, consequential arrears of pay benefits of the same will be payable to the applicants in OA 1223/2000 with effect from 24.5.1997, those in OA 1107/2000 from 2.6.1997 and those in OA 130/2001 from 1.1.1998 i.e. with effect from three years prior to the date of filing of these OAs respectively. The arrears payable to the aforesaid applicants shall be paid to them within a period of three months from the date of service of this order. In the circumstances of the case, we make no order as to costs.

S. Raju

(Shanker Raju)
Member (J)

V.K. Majotra

(V.K. Majotra)
Member (Admnv)