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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1545/2000

Wednesday, this the 28th day of March, 2001

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

1. SHRI CHITTARANJAN MAITY,
S/o Late Shri B.K.Maity.
2. SHRI S.C. BANIK,
S/o Shri M.M. Banik.
3. SHRI N.K. DUTTA,
S/o Late Shri D.D. Dutta.
4. SHRI NIRMAL SACHDEVA,
S/o Shri B. Sachdeva
5. SHRI ASHA PRASAD.
S/o Shri P.R. Prasad.
6. SHRI JASBIR TALWAR
S/o Late Shri P.S. Talwar.
7. SMT. SARLA TYAGI
W/o Shri D.R. Tyagi.
8. SHRI GRACE IYPOSIA
S/o Shri Iyopri Simon. C.

All applicant addresses
C/o Data Processing Centre,
National Sample Survey Organization,
Department of Statistics,
Ministry of Planning,
Hans Bhawan,-II,
New Delhi-110002.

9. SHRI BALAI CHANDRAGUPTA
S/o Shri Ranjit Kumar Gupta.
10. SHRI NITYA NARAYAN SENGUPTA
S/o Late Shri Jitendra Nath Sengupta.
11. SHRI JITENDRA NATH AICH
S/o Late Shri Tinkari Aich.
12. SHRI DASHRATH SADASHIO SHAMBHARKAR,
S/o Shri S. Shambharkar.

All C/o Data Processing Centre,
N.S.S.O. Ministry of Planning,
CALCUTTA.

13. SMT. SHEILA DAS,
W/o Shri S. Das.
14. SMT. NUPUR BANERJEE,
W/o Shri A.P.Banjerjee.
15. SMT. GOURI CHAKRABORTY,
W/o Shri Ashutosh Chakraborty.
16. SMT. SUSHILA KAUL
W/o Shri B.B. Kaul.
17. SHRI GOUR CHANDRA MANDAL.
S/o Late ShriBhola Nath Mandal.
18. SHRI SUPRIYA SARKAR,
S/o Late Shri D.C. Sarkar.
19. SHRI ARDHENDU MOHAN ROY,
S/o Late Shri Nirode Mohan Roy.
20. SHRI CHITRA PAUL
S/o Late Shri Surendra Nath Das.
21. SHRI SADHAN CHANDRA KUNDU
S/o Late Shri Shyama Pada Kundu.
22. SMT. JHARNA SEN
W/o Late Shri Syama Sen.
23. SMT. GITA MAJUMDER
W/o Shri Manaleendra Majumdar
24. SHRI MANDAN MOHAN PAUL,
S/o Late Shri Jadu Nath Paul.

All applicant addresses are
C/o Secretary,
National Sample Survey,
Employer Organisation,
D.P.D.Centre,
Hans Bhawan, New Delhi
(By Advocate: Shri P.K.Sharma)

Applicants

Versus

1. Union of India,
through Secretary,
Department of Expenditure,

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Ministry of Finance,
North Block,
New Delhi.

2. 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 Deputy Director, General,
Data Processing Division,
National Sample Survey Organisation,
Ministry of Planning,
G.L.T. Road,
Bara Nagar,
Calcutta

. Respondents

(By Advocate: Mrs. P.K.Gupta)

O R D E R (ORAL)By Hon'ble Shri Justice Ashok Agarwal:-

By the present OA, applicants claim the new pay scales of Rs.1600-2660/- in place of their erstwhile pay scale of Rs.1350-2200/-. They claim the aforesaid pay scale of Rs.1600-2660/- w.e.f. 1.1.1996. According to them, they are similarly placed as applicants before the Supreme Court in the case of Chandraprakash Madhavarao Dadwa & Ors. Versus Union of India & Ors., 1998 (2) SC SLJ 390 wherein applicants therein had been granted the aforesaid pay scales w.e.f. 1.1.1986. The aforesaid benefit of the pay scale has, however, been granted to the applicants ^{herein} not from 1.1.1986 as claimed ~~herein~~ but w.e.f. 11.9.1989 ~~which~~ ^{and this} has been done in terms of the OM No.F.7(1)/IC/86(44) of 11.9.1989 of the Ministry of Finance, Department of Expenditure. Shri P.K.Sharma,

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learned Advocate appearing in support of the present OA has contended that respondents are not justified in not granting to the applicants the very same relief which have been granted by the Supreme Court to the applicants before it. He has pointed out that this Tribunal in the case of A.K.Khanna & Ors. Vs. Union of India & Ors., reported as ATR 1988 (2) CAT 518 has held that the respondents will be well advised to extend the benefit of judgements of courts and tribunals which have become final to all employees similarly placed and not drive each one of them to seek redressal of their grievances before the Tribunal.

2. Shri P.K.Sharma, learned counsel has also drawn our attention to the case of Ashwani Kumar Vs. State of Bihar, 1997 SCC (L&S) 267 wherein the Supreme Court has held that parties who fail to approach the court cannot be ignored whether parties or not, to be included for grant of relief.

3. Shri P.K.Sharma has finally placed reliance on a decision of the Full Bench of this Tribunal in the case of Babu Lal Vs. Union of India & Ors. (OA-2639/1999), decided on 31.7.2000 wherein one of us (~~Hon'ble~~ (Chairman) was a party wherein the aforesaid OA was allowed by observing as under:-

"11. Present OA is accordingly allowed. Respondents will grant the benefit of the aforesaid O.M. dated 11.9.1989 to applicants with effect from 1.1.1986. They will accordingly grant the consequential benefits arising from this order to applicants within a period of four months from the date of receipt of a copy of this order. There shall be no order as to costs."

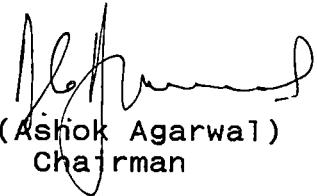
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4. In our judgement, having regard to the aforesated facts as also the aforesated decisions, we have no alternate but to pass an order granting the aforesaid relief to the applicants. Present OA is accordingly allowed. Respondents will grant the benefit of the aforesaid OM of 11.9.1989 to the applicants w.e.f. 1.1.1986 with all consequential benefits. This be done within a period of four months from the date of the service of this order. No costs.



(S.A.T. Rizvi)
Member (A)



(Ashok Agarwal)
Chairman

/sunil/