

Central Administrative Tribunal, Principal Bench

Original Application No.286 of 2000

New Delhi, this the 27th day of July,2000

Hon'ble Mr.Justice Ashok Agarwal Chairman
Hon'ble Mr.V.K.Majotra, Member (Admnv)

1. Krishan Lal, S/o Late Sh.Kanshi Ram, R/o H.No.11/66, Park Phase, Geeta Colony, Delhi-110031
2. Mrs. Parminder Kaur, R/o BA/139-B,Janak Puri, Jail Road, New Delhi-110058.
3. Urmil Julka, W/o late Sh.R.P.Julka, R/o Q.No.89, Sector-4, R.K.Puram, New Delhi.
4. Suman Chopra, W/o Sh.B.R.Chopra, R/o Flat No. 10, CPWD Enquiry Office, Sector-12, R.K.Puram, New Delhi.
5. Sh. D.C.Saini, S/o late R.L.Saini,R/o H.No. A-2/29,Phase-I,Budh Vihar,New Delhi-110041
6. Sh.O.P.Koli,S/o late Sh.Tulsi Ram, R/o 3, Sawan Park Extn., Ashok Vihar, Delhi.
7. Ved Parkash Sharma,S/o late Sh. G.P.Sharma, 134,Dhakha Village, Delhi-110009. - Applicants

(By Advocate Shri S.K.Gupta)

Versus

1. Union of India through Secretary, Department of Personnel & Training, North Block, New Delhi.
2. Secretary, Department of Revenue, Ministry of Finance, North Block, New Delhi.
3. Director General , Directorate of Revenue Intelligence,I.P.Bhawan,I.P.Estate,New Delhi-Respondents

(By Advocate Shri A.K.Bhardwaj)

O R D E R (Oral)

By Justice Ashok Agarwal, Chairman.-

The applicants in the instant case are Assistants in the Directorate of Revenue Intelligence. Shri Gupta, learned counsel of the applicants has pointed out that applicants are similarly placed as applicants in OAs 1869/92 (Hanuman Prasad Vs. Union of India & ors, and 2870/92 (Gurdev Sandhu Vs. Union of India & ors). They accordingly claim parity of pay on the basis of reliefs having been granted to applicants

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in the aforesaid OAs by the judgment and order passed by this Tribunal on 5th April, 1999 at Annexure-A-3. It is further pointed out on behalf of the applicants that in another OA which was filed later being OA No. 2561 of 1999 (Manjit Singh & ors Vs. Union of India & ors) by applicants who were similarly placed as applicants in OAs 1869/92 & 2870/92 have been granted the very same reliefs vide judgment and order dated 13th July, 2000, which had been granted in aforesaid order passed on 5th April, 1999 in OAs 1869 & 2870 of 1992. Aforesaid judgment of 13th July, 2000 in OA 2561/99 has been produced for our perusal.

2. Shri Bhardwaj, learned counsel of the respondents on the other hand has placed reliance on a decision of this Tribunal in the case of All India Income-tax Stenographers Association & anr. Vs. Union of India & ors, OA 515/1996 decided on 3.12.1999 along with two other connected OAs, wherein parity claimed has been denied on the ground that the nature of duties and responsibilities of Stenographers in the Central Secretariat were much higher and were not comparable with those of Stenographers in the subordinate offices.

3. We have considered rival contentions advanced before us.

4. Aforesaid decision relied by Shri Bhardwaj, in our view can have no application to the facts of the present case. The same denied parity to employees who were not similarly placed. The nature of duties & responsibilities were not similar. The same is not the position here. Applicants in the instant case are all similarly placed and this not even disputed by & on

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behalf of respondents. Aforesaid decision in the circumstances cannot be pressed into service to defeat the claim of the applicants.

5. It is not disputed applicants in aforesaid OAs 1869/92 & 2870/92 have been granted the revised pay scale of Rs.1640-2900 with effect from 1.1.1986. It is further not disputed that applicants are similarly placed as the applicants in aforesaid OAs 1869/92 & 2870/92. It is, however, pointed out that aforesaid order of this Tribunal has been challenged in the High Court by filing CWP wherein rule has been issued. The decision of the Tribunal in the circumstances is pending consideration of the High Court. It is, however, conceded that no stay has been granted by the High Court to aforesaid order passed by the Tribunal. It is further conceded that aforesaid order of the Tribunal has been implemented as far as the applicants in the said OAs are concerned. However, as the applicants in the instant OA are concerned, it has been stated that though aforesaid order has been implemented that has been done only in regard to the applicants therein. As far as the applicants in the present OA are concerned, they will have to await the decision of the High Court. A situation similar to the one which has arisen in the present case had arisen before us in the case of Smt.Simi Thukral Vs. Union of India & another, O.A. No.419/2000 decided on 4th July,2000. It has inter alia been observed by us in aforesaid order as under :-

2. As far as the claim of the applicant is concerned, that relates to the decision of the Tribunal in OA No. 407/97 at Annexure A-1 though challenge to the same is pending in the High Court. The same has not been stayed either by the High Court or by the Supreme Court. The order of the Tribunal, therefore,

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very much hold the field. The same is also binding upon us.

3. The Supreme Court in the case of Ashwani Kumar & Ors. Vs. State of Bihar & Ors. 1997 SCC (L&S) 267 has held that Parties who failed to approach the Court cannot be ignored and all affected persons whether parties or not to be included for grant of the relief. Hence employees who are similarly circumscribed and who might not have approached the High Court or the Supreme Court earlier and who may be waiting in the wings would also be entitled to claim similar relief against the State which has to give equal treatment to all of them otherwise it would be held guilty of discriminatory treatment which could not be countenanced under Articles 14 and 16(1) of the Constitution of India.

4. If one has regard to the aforesaid decision as also the decision of this Tribunal of 9.1.98 in OA 407/97 which, as already observed, holds the field, applicant herein will be entitled to the new scale in the present O.A.

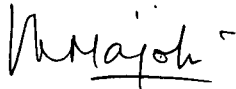
6. If one has regard to aforesaid observations contained in the order passed by us we find that the applicants herein have made good their claim for grant of the very same reliefs which have been granted in aforesaid OAs 1869/92 and 2870/92, namely, pay scale of Rs.1640-2900 with effect from 1.1.1986 or thereafter as the case may be. As far as the applicants in the instant OA are concerned, their colleagues in the very same office have been granted the relief by aforesaid order. Denying the same to the applicants herein would indeed be discriminatory and would thereby directly offend Article 14 of the Constitution. We find no distinguishing feature so as to discriminate present applicants from those in aforesaid OAs 1869/92 & 2870/92.

7. In the circumstances we hold that the applicants in the instant case are entitled to the pay scale of Rs.1640-2900 (pre-revised) with effect from 1.1.1986 or thereafter as the case may be. Payment of arrears pursuant to the present order shall be limited to one year prior to the filing of the present OA, which has

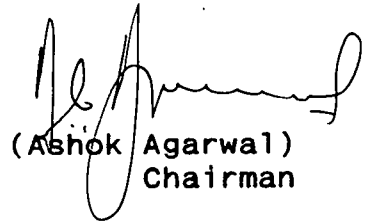
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been filed on 2.2.2000. The applicants would, in the circumstances, be entitled to payment of arrears with effect from 1st February, 1999. The respondents shall comply and grant reliefs to the applicants herein within a period of three months from the date of receipt of a copy of this order. Present O.A. is allowed in afore-stated terms. No order as to costs.



(V.K. Majotra)
Member (Admnv)


(Ashok Agarwal)
Chairman

rkv.