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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

.....

OA No.126/89

New Delhi, this the 3rd day of March, 1994.

SHRI J.P.SHARMA, MEMBER(J).  
SHRI B.K.SINGH, MEMBER(A).

1. Shri Pulin Behari Biswas,  
S/o Late Shri H.C. Biswas,  
Q.No.251, Income Tax Colony,  
Uttari Pitam Pura, Delhi.  
working as L.D.C., Ministry of Finance,  
Hans Bhavan, New Delhi.
2. Shri Dipak Kumar Dey,  
S/o Late Shri H.C. Dey,  
Q.No.B-22/A, Subhash Chowk,  
P.O. Laxmi Nagar, Delhi-110092,  
working as L.D.C., Ministry of Publication,  
New Delhi.
3. Smt. Sarayu Ray Chowdhary,  
W/o Shri G.P. Ray Chowdhary,  
R/o 9-B, Pocket-A/9,  
Kalkaji Extension,  
New Delhi.  
working as L.D.C., Dy. Controller of Accounts,  
Ministry of Home Affairs,  
Rehabilitation Department.
4. Shri Dayamay Chandra Biswas,  
S/o Late Shri M.C. Biswas,  
House No.335, Munirka,  
New Delhi.  
working as L.D.C., Directorate of Extension,  
Department of Agriculture & Cooperation,  
West Block-8, R.K.Puram, New Delhi.
5. Shri Swapan Kumar Lahiri,  
S/o Late Shri Satchidananda Lahiri,  
R/o 144-A, Humayun Pur, Yusuf Sarai,  
New Delhi-110029,  
working as U.D.C., Ministry of Communication,  
Department of Post, Central Pairing Office,  
New Delhi.

...Applicants

(By advocate : Shri A.K.Bajpai)

versus

1. Union of India,  
through the Secretary,  
Ministry of Home Affairs,  
Rehabilitation Division,  
Jaisalmer House, Man Singh Road,  
New Delhi.

2. The Under Secretary,  
Department of Personnel & Administrative  
Reforms, Cabinet Secretariate (Surplus Cell),  
Government of India,  
New Delhi.

3. The Divisional Engineer (R.R.O.),  
Government of India,  
Mana Camp,  
District Raipur (Madhya Pradesh).

... Respondents

(By advocate : M.L.Verma)

ORDER (ORAL)

SHRI J.P.SHARMA :

The Government of India set up Mana Camp in Madhya Pradesh to accommodate the refugees and for the education of the children of the refugees, certain schools were run upto 5th standard and applicants were appointed as Primary School Teachers in the scale of Rs.85-104. At that time, there were no recruitment rules which were subsequently framed in 1972 and the pay scale of the teachers was fixed Rs.225-330. The Third Pay Commission's report came sometimes in 1973 and the grievance of the applicants is that in the other organisations of Union of India in the Defence and Railways, the primary teachers were in the scale of Rs.260-400 and on the recommendations of the Third Pay Commission, they have been placed in the scale of Rs.330-560. The applicants, therefore, also made certain representation but it was in April, 1988 and by that time, certain judgments of Madhya Pradesh High Court in Smt. Devikundu Dutta vs. Union of India in

M.P.1711/82 was given on the basis of earlier judgment dated 9-1-79 in Miscellaneous Petition No.579 of 1978 - S.N.Devnath vs. Union of India. The judgment of the Madhya Pradesh High Court in M.P.1711/82 came on 28-11-84.

2. The learned counsel for the applicants as well as for the respondents Shri M.L.Verma have been heard at length on 1-3-94. For further arguments on the point of limitation, the case has been listed today.

3. The counsel for the applicants appearing along with some of the applicants gave a statement at the Bar that he wants to withdraw this application in view of the fact that Ministry of Rehabilitation has given the benefit of a judgment of Calcutta Bench to Smt. Manju Rani who was also a teacher in the Mana Camp and she has been fixed in the pay scale of Rs.260-400 while as a primary teacher she was paid like the applicants in the Mana Camp when she was employed in the scale of Rs.225-330. The applicants, therefore, want to raise the matter before the Department on the administrative side and they don't want this to be adjudicated upon and so the prayer has been made to withdraw the same.

4. In view of the above facts and circumstances, the application is dismissed as withdrawn. Cost on parties.



(B.K. SINGH)  
MEMBER (A)



J.P. SHARMA  
MEMBER (J)

'KALRA'