

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

Regn. No. OA-1682/87

Date of decision 16.11.88

Shri K.S. Munda & Ors.

.... Applicants.

Versus.

Union of India & Anr.

.... Respondents.

For the applicants

.... Shri G.D. Gupta,  
Advocate.

For the respondents

.... Shri M.L. Verma,  
Advocate.

CORAM: Hon'ble Mr. P.K. Kartha, Vice Chairman (Judicial)  
Hon'ble Mr. P. Srinivasan, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *No*

JUDGEMENT

(Judgement of the Bench delivered by Hon'ble  
Shri P. Srinivasan, Administrative Member).

In this application the applicants who are working as Senior Computers in the Central Water Commission complain that while some of their colleagues were given the benefit of the judgements of this Tribunal in B.S. Saini and Others Vs. Union of India (T-335/85) decided on 11.4.85 and in A.K. Khanna Vs. Union of India (Application No. OA-1942 of 1987) decided on 6.9.86, they have been denied the same benefit. In application T-335 of 1985, some persons working as Senior Computers in the Central Water Commission challenged the decision of the respondents therein to prescribe two scales of pay for the post of Senior Computer with effect from 1.1.1973, while there was only one scale for that post before that date. They urged that prescribing two scales for the same post amounted to discrimination. This Tribunal held that "fixing different pay scales for the same post is violative of Articles 14 and 16 of the Constitution." The order prescribing two scales was accordingly quashed and the petitioners were declared to be entitled to the revised

*P. S. Verma*

pay scale of Rs.425-700. Shri Gupta submitted that the cases of the applicants are identical on all fours with those in B.S.Saini's case and A.K.Khanna's case and that the applicants are entitled to the same benefits as those given in those cases.

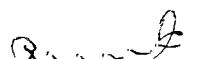
2. Shri M.L.Verma, counsel for the respondents admits that the facts of the present case are in pari materia with those in the decided cases referred to by Shri Gupta but he contended that the judgements in those cases were in personam and not in rem and so they should not be applied here.

3. We are not impressed by the contention of Shri Verma since in Saini's case the notification creating two scales was itself quashed and that notification applied to all Senior Computers. We are, therefore, satisfied that the judgement in Saini's case was a judgement in rem.

4. In view of the above, we direct the respondents to extend the same benefits to the applicant as has been given to the applicants in Saini's and in Khanna's case with all consequential benefits. The application is disposed of accordingly but in the circumstances of the above case, parties are left to bear their own costs.



( P. Srinivasan )  
Administrative Member



( P.K. Kartha )  
Vice Chairman (Judl.)