

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1942 1988
~~XXXXXX~~

DATE OF DECISION 6.9.88

Shri A.K. Khanna & Others Petitioner

Shri G.D. Gupta, Advocate for the Petitioner(s)

Versus

Union of India & Others Respondent

Shri M.L. Verma Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman

The Hon'ble Mr. Kaushal Kumar, Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? NO
3. Whether their Lordships wish to see the fair copy of the Judgement? NO
4. Whether it needs to be circulated to other Benches of the Tribunal? NO

MGIPRRND-12 CAT/86-3-12-86-15,000

(Kaushal Kumar)
Member

(K. Madhava Reddy)
Chairman

6.9.88.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
PRINCIPAL BENCH; NEW DELHI.

REGN. No. DA 1942/88

DECIDED ON 6-9-1988.

Shri A.K. Khanna & Others

.... Applicants

Vs.

Union of India & Others

..... Respondents.

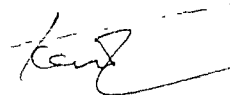
CORAM:- Hon'ble Mr. Justice K. Madhava Reddy, Chairman
Hon'ble Mr. Kaushal Kumar, Member.

For the Applicant ----- Shri G.D.Gupta, Advocate.

For the Respondents ----- Shri M.L. Verma, Advocate.

(Judgement of the Bench delivered by
Mr. Justice K. Madhava Reddy, Chairman)

The applicants herein were initially recruited as Senior Computers. They are similarly placed as the petitioners in Civil Writ No. 698 of 1977 on the file of the Delhi High Court and transferred to this Tribunal and registered as TA-335/85, B.S. Saini & another Vs. Union of India & Others. This Court vide its judgement dated 11th April, 1986 in the said case while quashing the impugned order therein, allowed the revised petition and declared that the petitioners are entitled to the post of Senior Computers in the revised pay scales of Rs. 425-700. The Tribunal also declared that the petitioners would be entitled to the Higher pay scale and all attendant benefits including all arrears with effect from the date the revised pay scale of Rs.425-700 became effective and directed the respondents to calculate the amount due to the petitioners and pay the same within three months from the date of judgement. This judgement



has become final and has already been implemented by the respondents by issuing office order No. 20/2/86-Estt. XI, Government of India, Central Water Commission, dated 4th August, 1987 (Annexure G).

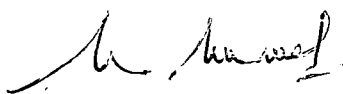
2. The petitioners in the aforesaid case belonged to Ganga Basin Resources Organisation, under the Ministry of Agriculture and Irrigation (Deptt. of Irrigation). Some of the applicants herein were appointed as Senior Computers directly and some were promoted to the post of Senior Computers and all are governed by the same rules which governed the petitioner's in TA 335/85. Senior Computers in Ministry of Irrigation and Power, Central Water Commission and Ganga Basin Water Resources Organisation are all governed by the same recruitment rules and all Senior Computers working in these organisations are similarly placed in every respect. That is admitted even by the respondents. Upon the representation of the present applicants pleading that they should be given the benefits of the judgement in T-335/85, Respondents vide their letter No. 8/28/87-Estt.I dated 11.1.1988 informed them that the matter was with the Ministry of Finance and they have opined that the benefit of the judgement cannot be extended to persons other than petitioners in T-335-85.

3. It is true that the applicants were not parties to the Civil Writ Petition which was allowed by the Tribunal. But there is no valid reason not to extend the benefit of that judgement to the applicant when they are similarly placed as the petitioners in T-335/85. In fact instead of driving each of the Senior Computers to seek redressal of grievance before the Tribunal, when judgement in T-335/85 had become final, the respondents should have extended the benefit of that judgement

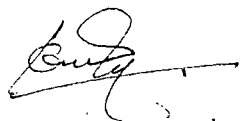


to the entire class of Senior Computers similarly placed. The respondents would be well advised to direct the department to extend the benefit of the judgement of Courts and Tribunal which have become final to all employees similarly placed and not drive each of them to seek redressal of their grievance before the Tribunal. In this particular petition the only ground taken by the respondents is that they (applicants) were not the petitioners in the earlier petition. When the applicants are similarly placed, and are governed by the same rules the benefit as extended to the petitioners in T-335/85 should have been extended to them also. Not extending similar benefit would amount itself to a discrimination violative of Articles 14 and 16 of the Constitution. Hence there shall be an identical direction as was issued in T-335/85 namely " the order revising the pay scales attached to the post of Senior Computers to Rs. 330-560 is accordingly quashed and the applicants are declared entitled to the post of Senior Computers in the revised pay scale of Rs. 425-700. The applicants would be entitled to the higher pay scale and all attendant benefits including all arrears with effect from the date the revised pay scale of Rs. 425-700 became effective. The respondents shall calculate the amount due to the applicants and pay them within three months from today.

4. The application is accordingly allowed but in the circumstances with no order as to costs.


(Kaushal Kumar)
Member

6.9.88.


(K. Madhava Reddy)
Chairman