

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP-161/95 in
OA-1866/89

New Delhi this the 14th day of November, 1996.

Hon'ble Sh. S.R. Adige, Member (A)
Hon'ble Dr. A. Vedavalli, Member (J)

1. Sh. Brijesh Kumar
S/o Sh. Vishnu Prakash,
R/o B-8/21, Vasant Vihar,
New Delhi.

2. Sh. Nem Kumar,
S/o Sh. Janki Prasad,
R/o Sector-II,
Quarter No.110,
R.K. Puram,
New Delhi.

...Petitioners

(By Advocate Sh. G.D. Gupta)

Versus

1. Sh. M.S. Reddy,
Secretary,
Ministry of Water Resources,
Sharam Shakti Bhawan,
New Delhi.

2. Sh. A.B. Joshi,
Chairman,
Central Water Commission,
Sewa Bhawan,
R.K. Puram,
New Delhi.

...Respondents

(By Advocate Sh. V.S.R. Krishna)

ORDER (Oral)
(Hon'ble Mr. S.R. Adige)

Heard.

2. Both sides agree that the contents of departmental comments sent to the Fifth Pay Commission and enclosed with the additional affidavit dated 30.10.96 on the representation of the Research Assistants of C.W.C. (Annexure-II) to the Fifth Central Pay Commission were factually inaccurate inasmuch as the C.A.T. in its judgement dated 6.5.94

in OA-1866/89 Sh. B.K. Aggarwal and others vs. Union of India and others had not dismissed the claim of the applicants for higher pay, but in the operative portion of its judgement dated 6.5.94 had directed the respondents to consider the claim of the applicants expeditiously and pass a speaking order within a period of six months from the date of its communication or to make a suitable reference to the Fifth Pay Commission. In the said judgement the Tribunal had also not come to any finding that the nature of duties etc. in C.W.C. are different from that in C.W.P.R.S. Pune and CSITRS Delhi, as stated in the departmental comments, but had ^{merely} ~~then~~ recorded the condition of the respondents to that effect.

3. In the light of these factual inaccuracies noticed in the department's reference to the Fifth Pay Commission, both counsel agreed that it was only fair that the said reference, and indeed the respondents letter dated 23.11.95 be not treated as final compliance of the Tribunal's judgement dated 6.5.94, and in the event the applicants make a fresh self-contained representation to the authorities concerned, within two weeks from the date of receipt of a copy of this order, the respondents should consider the contents of the same and pass a detailed, reasoned and speaking order thereon in accordance with the extant rules and instructions on the subject under intimation to the applicants within

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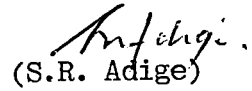
four months of its receipt, reserving to the applicants the liberty to agitate any surviving grievance in accordance with law, if so advised. We direct accordingly.

4. Subject to the contents paragraph-3 above, the C.P. is disposed of, and notices issued to the respondents discharged.



(Dr. A. Vedavalli)

Member(J)


(S.R. Adige)

Member(A)

/CC/