

From 6/9/94  
9  
CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. NO. 1187/90

New Delhi, 1.9. 1994

CORAM :

THE HON'BLE MR. S. R. ADIGE, MEMBER (A)  
THE HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

S/Shri

1. P. R. Kasande,  
R/O 658 Ganj Peth,  
Gaikwad Building,  
Pune - 411002.
2. S. R. Vakil,  
R/O 696, Kasba Peth,  
Shimpali, Pune.
3. Mrs. V. C. Joshi,  
R/O Plot No.3, Kohinoor Colony,  
Chintamani Nagar, Pune.
4. Mrs. A. N. Akut,  
R/O 204, A-1, Rasta Peth,  
Shiral Shet Chowk,  
Pune.
5. S. Namdevan,  
R/O 55-A Ismail Building,  
Old Bazar Kirkee, Pune.
6. R. G. Dongare,  
R/O 416, Shukrawar Peth,  
Pune.
7. B. M. Bhagwat,  
R/O 277/2, Bhaniwar Peth,  
Pune.
8. N. M. Nadkarnee,  
R/O Sulashri, S.No.121/122,  
Plot No.73, Rambagh Colony,  
Kothurd, Pune.
9. A. T. Londhe,  
R/O M-16, Flat No.1947,  
Maharashtra Housing Board,  
Yerawada, Pune.
10. A. D. Kotasthane,  
R/O 69, Sahajanand Society,  
Behind Gandhi Bhawan, Kothurd,  
Pune.
11. S. D. Bhosle,  
R/O C-III Type, Q. No.36,  
CWPRS Colony, Khadakwasla (S),  
Pune.

12. R. V. Rao,  
R/O 418, Narayan Peth,  
Nandlal Co-op. Housing Society,  
Pune.

13. Mrs. M. M. Mulay,  
R/O Swanand Society, Road No.3,  
Shanti Nivas, Sahkarnagar,  
Pune.

14. H. V. Vazarkar,  
R/O 376, Dapodi, Pune.

15. Mrs. S. S. Mone,  
R/O 43/9-A, Gumpha Apartments,  
Income Tax Lane,  
Erandwane, Pune.

... Applicants

By Advocate Shri G. D. Gupta

Versus

1. Union of India through the  
Secretary to Govt. of India,  
M/O Water Resources,  
Shram Shakti Bhawan, Rafi Marg,  
New Delhi - 110001.

2. Central Water Commission  
through its Chairman,  
Sewa Bhawan, R.K.Puram,  
New Delhi.

3. The Director,  
Central Water & Power Research  
Station, P.O. Khadakwasla Research  
Station, Pune - 411024.

... Respondents

By Advocate Shri M. K. Gupta

O R D E R

Shri S. R. Adige, Member (A) -

In this application filed on 24.5.1990 Shri P. R. Kasande and 14 others have sought the pay scale Rs. 425-700 w.e.f. 1.1.1973 with all consequential benefits.

2. According to the applicants, applicants at sl. No. 1 to 10, 14 and 15 were initially appointed as Computers 'B' (Rs.110-260) between 30.3.64 and 19.10.73 and were promoted as Computers 'A' between 11.1.1973

and 29.4.1981, while applicants at sl. Nos. 11 to 13 were directly appointed as Computers 'A' (Rs.150-380) in 1979 in the Central Water & Power Research Station (CWPRS), Pune under the CWC of the Ministry of Water Resources. In the CWC itself there were Jr. Computers corresponding to Computers 'B' and Jr. Computers corresponding to Computers 'A'. Till 1979 there was a common seniority list of Computers in the CWC and CWPRS. That apart, there were posts of Jr. Computers and Sr. Computers in the Min. of Irrigation and Power and other organisations under it, e.g., Ganga Basin Water Resources Organisation, and prior to 1.1.1973 they enjoyed the same pay scale of Rs.110-260 for Jr. Computers and Rs.150-380 for Sr. Computers. Here also while some were recruited as Jr. Computers and then promoted as Sr. Computers, others were appointed directly as Sr. Computers. In 1978 all these posts of Jr./Sr. Computers were transferred to the Central Water Commission. Consequent to the II Ird Pay Commission's recommendations effective from 1.1.1973 and the C.C.S. (Revised Pay) Twenty Fourth Amendment Rules, 1974 the pay scale for Sr./'A' Computers was revised to Rs.425-700 (partly) and Rs.330-560 (partly) mentioning that the allocation of posts between the two grades would separately be made. The applicants were put in the lower scale of Rs.330-560. Meanwhile S/Shri B. S. Saini and Jaipal Singh, both working as Sr. Computers in the GWBO challenged the validity of two different pay scales for Sr. Computers in C.W. No.698 of 1977, which upon being transferred to C.A.T. (T-335/85), was allowed on 11.4.1986 (Ann. A-6) and was subsequently extended

to A. K. Khanna and others of GWERO (O.A. No. 1942/87 decided on 6.9.1988), K. S. Munda and others of CWC (O.A. NO. 1682/87 decided on 16.11.1988); G. Gangadhara Rao (O.A. No. 212/88 decided by CAT, Hyderabad Bench on 18.11.1988). The applicants have complained that upto 1979 the seniority of all Sr./Jr. Computerors in CWC and A/B Computerors in CWPRS was common. In 1979, consequent to the Swaminathan Committee's recommendations the pay scales of Computerors 'A' was revised from Rs.330-560 to Rs.380-560 on 20.8.1979 and options were invited on 10.3.1980 regarding acceptance or non-acceptance of these revised pay scales (Ann. A-12). All the applicants opted for the higher scale of Rs. 380-560. Meanwhile, in further consequence of the Swaminathan Committee's recommendations by order dated 23.12.1980 the posts of 'A/B' Computerors in CWPRS were merged with those of Observers/Sr. Observers in that organisation who were in the corresponding scales of pay and an integrated cadre of Laboratory Assistants Gr. I (Rs.425-700), Lab. Assts. Gr.II (Rs.380-560), and Lab. Assts. Gr.III (Rs.260-430) was formed. One time option was made available to those whose new pay scales were different from their existing pay scales to retain their existing pay scales till they earned their next increment or till they vacated the posts or ceased to draw their pay in that scale. According to the applicants almost all of them opted to continue in the Computeror 'A' pay scale of Rs.380-560. Meanwhile a provisional seniority list of merged cadre of Lab. Assts. Grade I, II, and III was prepared, objections were invited and again option was given to opt out of the merged cadre. According to the applicants again most

of them opted not to join the combined cadre.

Subsequently, the respondents on 26.7.1982 withdrew the offer calling for options, as the pay scales of Observers and Sr. Computers in CWPRS were identical to that of Lab. Assistants.

3. The applicants state that upon coming to know of the judgments in Saini's case (supra) and other cases, they represented for extension of the benefits to them also. Eventually, by Min. of Water Resources letter dated 24.2.1989 benefits of higher scales were allowed on notional basis w.e.f. 1.1.1973 and on actual basis w.e.f. 1.12.1988 only to such of those Sr. Computers who were in the pay scale of Rs.150-380 prior to 1.1.1973 and were placed in the scale of Rs.330-560 based on the 3rd Pay Commission's recommendations. This order was communicated to all concerned vide CWPRS order dated 27.7.1989 (Ann. A-22). These two orders have been impugned on the ground that denial of grant of scale of Rs.425-700 to those such as the applicants who were promoted to Rs.150-380 after 1.1.1973 is arbitrary and discriminatory, because once the scales were revised w.e.f. 1.1.1973, those appointed thereafter are also entitled to the revised scales.

4. The respondents in their reply have taken the stand that the benefits of the various CAT judgments to those who were similarly placed on 1.1.1973, i.e., those Computers 'A' who were in the pre-revised scale of Rs.150-380 prior to 1.1.1973. All the applicants except one were promoted to the post of Computer 'A' after 1.1.1973.

(4)

5. During hearing, Shri G. D. Gupta for the applicants has placed before us a copy of the Tribunal's judgment dated 23.11.1990 in O.A. 1163/89 - Ram Mohan Nigam & Ors. vs. Union of India & Ors. and connected cases wherein the respondents were directed to treat all those applicants as Senior Comptors in the revised pay scale of Rs.425-700 from the dates from which they were entitled to the said scale and not from 1.12.1988, together with all consequential benefits including arrears of pay, allowances and seniority. Shri M. K. Gupta for the respondents has not been able to show us anything to establish that this judgment in Nigam's case (supra) does not hold the field as of date.

6. In the result this application succeeds and is allowed. The respondents are directed to grant the revised pay scale of Rs.425-700 to the applicants from the date they became entitled to the said scale and not from 1.12.1988, with all consequential benefits, including arrears of pay, allowances and seniority. These directions should be complied with within three months from the date of receipt of a copy of this judgment. No costs.

*Lakshmi Swaminathan*  
( Mrs. Lakshmi Swaminathan )  
Member (J)

*S. R. Adige*  
( S. R. Adige )  
Member (A)

/as/