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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

DA 1363/91.

Date of decision: 28.1.92

Mrs. Renu Kakkar

....Applicant

V/s

Union of India & Others

....Respondents

CORAM:

THE HON'BLE MR. T.S.OBEROI, MEMBER(J).

THE HON'BLE MR. I.K.RASGOTRA, MEMBER(A).

Shri V.P.Sharma

....Counsel for the
applicant

Shri K.L.Bandula

....Counsel for the
respondents

J U D G E M E N T

(DELIVERED BY HON'BLE MR. T.S.OBEROI, MEMBER(J)).

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This OA is filed under Section 19 of the Administrative Tribunals Act, 1985, and is directed against the order dated 14-3-1991, passed by respondent no.3 in the case, rejecting the applicant's plea for granting higher scale of Rs.425-700, during the period 27th March, 1982 to 31st July, 1985, while she worked as a Senior Computer, in the Central Water Commission.

2. Earlier, in OA 2370/90, filed by the applicant, the case was disposed of on 25-2-91, treating the said OA as representation by the applicant, with the directions to the respondents to dispose it of by a speaking order, within the time specified therein. In pursuance of the said directions, the respondents had passed the impugned order (annexure A-I to the OA), upon which the present OA has been filed by the applicant, again, before this Tribunal.

3. The applicant's case is that she was appointed as a Junior Computer, with the respondents, on 16-7-1973

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and was promoted as a Senior Computer on 27-3-82, and worked as such till 31-7-85. Her case is that on some earlier applications, by some other employees of the respondents, who were similarly situated, this Tribunal had granted the senior scale to them, accepting their plea on the basis of 'equal pay for equal work', but this has not been granted by the respondents, in case of the applicant. She, thus, presses for her claim on the basis of discrimination.

4. In the counter filed on behalf of the respondents, the applicant's claim has been opposed, on the ground of limitation and also on the ground that the applicant had worked as a ^{Senior} ~~Senior~~ Computer, ^{only on adhoc basis} for the period stated by her, and ^{as} she was not senior enough; has been reverted again, and is presently working as a Junior Computer. Her claim was opposed, also on the ground that as mentioned in annexure A-I, the applicant had worked as ad-hoc Senior Computer, before 1-12-88, with effect from which the benefit of higher scale was allowed to the applicants in some of the earlier O.A.s, and that the similarly placed Senior Computers for this purpose, would be those who were in the scale of Rs.150-380 prior to 1-1-73, and were placed in the scale 330-560 based on the recommendations of the Third Pay Commission. As the applicant was not conforming to these requirements, she could not be granted the higher scale of 425-700.

5. We have heard the learned counsel for both the parties and have also perused the pleadings, together with copies of judgements, in earlier cases, involving the same point, as adduced on record. IN OA 1163/89, decided on 23-11-90, by another Bench of this Tribunal, comprising of the then Hon'ble Chairman and one of us

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(Shri I.K.Rasgotra), in the penultimate paragraph of the said judgement, it was, inter alia, held as under :

"We do not see any difference in fact in the case of the present applicants to that of the other Senior Computers who have been given the benefit from 1.1.1973 after the relevant rules have been quashed in the cases of B.S. SAINI & ANR, A.K. KHANNA & ORS and K.S. MUNDA & ORS. (supra). There is only one pay scale to be granted to the Senior Computers and as all these Computers were in service prior to that date, they are entitled to the pay scale of Rs.425-700 from the dates they were entitled to the said scale."

6. The aspect of limitation was also considered in the judgement dated 23-11-90 (ibid), and respondents' contention in that regard was declined. Besides, in the present case, with the applicant's case having been remanded for re-consideration, vide order dated 25-2-91, earlier referred, and in pursuance thereof, the present impugned order having been passed by the respondents, the bar of limitation shall not be applicable in the present case.

7. The net result of the above discussion, is that the applicant's case deserves to be granted. We held accordingly and direct the respondents to pay the arrears due to the applicant, in the scale of Rs.425-700, for the period she had worked as Senior Computer, as early as possible, but not later than two months from the date of receipt of a copy of this judgement. The DA is decided accordingly, with no order as to the costs.

I.K. Rasgotra
(I.K.RASGOTRA)
MEMBER (A)

28/1/92

T.S. Oberoi 28.1.92
(T.S.OBEROI)
MEMBER (J)

/PKK/.