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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.No.2044/91

New Delhi this the 4th day of October, 1996.

Hon'ble Sh. T.N. Bhat, Member(J)
Hon'ble Sh. R.K. Ahooja, Member(A)

1. Sh. Devendra Kumar Rai,
News Editor,
News Services Division,
All India Radio,
New Delhi.
 2. Sh. Koteswar Rao,
Assistant Editor, CWMG,
C.W.M.G. Publications Division,
East Block IV, Level-V,
R.K. Puram (Main),
New Delhi-110066.
 3. Sh. G.T. Munshi,
Assistant Editor,
Publications Division,
Navjiwan Press Building,
Ahmedabad.
- Applicants

(Present None on behalf of applicants)

versus

Union of India,
through its Secretary,
Ministry of Information
and Broadcasting,
Shastri Bhawan,
New Delhi.

Respondent

(through Sh. M.K. Gupta, advocate)

ORDER(ORAL)
delivered by Hon'ble Sh. T.N. Bhat, Member(J)

The applicants in this O.A. were at the time of filing of the O.A. working as News Editor/ Asstt. Editor in the News Services Division & Publications Division. They have come to the Tribunal seeking the extension of the benefits of the judgement of the Hon'ble Supreme Court dt. 15.7.88 in the case of Rajinder Pardi Dhasmana Vs. U.O.I. & Ors. (Civil Appeal No.1950 of 1985). The applicants have been given the benefit of higher pay and promotion only w.e.f. the month of June, 1978 while

4.10.1996.

they are claiming benefit from the year 1971 when they were appointed/promoted as Asstt. Editors. The only ground on the basis of which the benefit of the higher pay scale has been denied is that only by Notification dt. 10.7.78 the post of Asstt. Editor in C.W.M.G. Unit of D.P.D. "Collected Works of Mahatma Gandhi" was included in the schedule to the Central Information Service Rules, 1959.

2. The respondents have contested the O.A. by filing a detailed reply statement to which the applicants have also filed rejoinder.

3. We have heard the learned counsel for the respondents and perused the pleadings on record, more particularly the judgement of the apex court in R.P. Dhasmana's case(supra).

4. On going through the copy of the judgement of the apex court, we find that in that case as well a similar question came up for adjudication before the Hon'ble Supreme Court, and it was held that the mere fact that the post of Asstt. Editor in C.W.M.G. was inserted in the Schedule to the Central Information Services Rules, 1959. amendment dt. 3.6.78 cannot deprive the Asstt. Editors working in that organisation prior to that date from the benefit of promotion/higher scale. The observations made by the apex court in judgement

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(supra) may be quoted as follows:-

"The department appears to have taken the view that since the Rules were amended on 3.8.78 by including the post held by the appellant in the Schedule to the Rules, he should be treated as having entered in Class-II Grade-III post w.e.f. 3.6.78. We find that this view has been approved by the High Court also. We do not agree with the above view. Since the appellant has been continuously working in Class-II Grade-III post w.e.f. 25.8.73, there was no justification for denying him the benefit of the service which had been put in between 25.8.73 and 3.6.78."

5. Similarly, in the instant case all the three applicants had continuous service in Class-II Grade-III from 2.6.71, 9.12.71 & 13.12.71 respectively and there can be no justification for not giving them the benefit of that service from the year 1971 to the month of June, 1978.

6. There are some other contentions also raised by the respondents in their reply statement but we do not find any substance in those contentions as, for example, limitation etc. Similar questions had been raised by the respondents in ~~an~~ identical matters i.e. Ms. Chandrika Vyas & Ors., Sh. Bharti Narsimhan & Sh. B.K. Ahluwallia Vs. U.O.I. & Ors (O.A.Nos. 1394/91, 863/91 & 883/91) and in the judgement delivered by a Bench of which one of us (Hon. Sh. R.K. Ahooja, Member(A)) was a Member repelled those objections, and relying upon the judgement of the apex court in Dhasmana's case, granted the relief prayed for by the applicants in those O.As.

20

7. In view of what has been held and discussed above, this O.A. is allowed and disposed of with the following directions:-

(i) The respondents are directed to refix the seniority of the applicant in Class-II Grade-III posts w.e.f. 2.6.71, 9.12.71 and 13.12.71, respectively, and to grant them the consequential benefits.

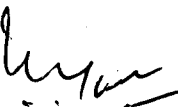
(ii) The respondents are further directed to pay to the applicants the arrears of pay and allowances consequent on such refixation of seniority/promotion etc. which shall be restricted to a date one year prior to the date of filing of this O.A. (21.8.1991).

(iii) The aforesaid directions shall be complied with by the respondents within a period of two months from the date of receipt of a copy of this order.

There shall be no order as to costs.


(R.K. Ahuja)

M(A)


4.10.1996
(T.N. Bhat)

M(J)