

Central Administrative Tribunal
Principal Bench

O.A. No.2237/2004

New Delhi this the 24th day of January, 2005

Hon'ble Shri V.K. Majotra, Vice Chairman (A)
Hon'ble Shri Shanker Raju, Member (J)

Rakesh Bhushan,
S/o Late Shri Bharat Bhushan,
R/o Flat No.316, Gaur Residency,
Chander Nagar, Ghaziabad,
Uttar Pradesh-201011.

-Applicant

(None Present)

Versus

1. Union Public Service Commission,
Through its Secretary,
Dholpur House, Shahjahan Road,
New Delhi-110011.
2. Central Board of Direct Taxes,
Through its Chairman,
North Block, New Delhi-110001.
3. Chief Commissioner of Income Tax,
Central Revenue Building,
New Delhi-110002.

-Respondents

(By Advocate: Shri N.S. Mehta, for R-1 and
Shri V.P. Uppal, for R-2)

ORDER (Oral)

By Hon'ble Shri V.K. Majotra, Vice Chairman (A):

The applicant is aggrieved that he has been denied by Annexure A-1 dated 1.6.2004, the benefit of order dated 28.1.2002 passed by this Tribunal in OA-1649/2001 **Birender Singh and Others Vs. Union of India and Others**. In the impugned orders (Annexure A-1), the sought for benefit has been denied stating that "the benefit of the revision of pay scale has been granted only to applicants in OA-1649/2001 and other related cases. In other words, the benefit has not been given as the applicant was not an applicant in OA-1649/2001. Through the present OA, applicant has prayed for refixation of pay as Electronic Data Processing (EDP) personnel w.e.f. 1.1.1986 instead of 11.9.1989 with consequential benefits. It is contended that dispensation is available in terms of Ministry of Finance (Department of Expenditure) O.M. No. F.7(P)/IC/86 (44) dated 11.9.1989. The applicant was working as Technical Assistant in the office of

UPSC as on 1.1.1986. Later on, this post was re-designated as Data Entry Operator post grade 'D' in pursuance to the rationalization of the Data Entry Operator post as per aforesaid OM dated 11.9.1989. Applicant's post was redesignated as Data Entry Operator grade 'D' from 11.9.1989 vide UPSC OM (Annexure A-2) dated 1.9.1993. It's claimed that a large number of persons similarly situated as the applicant received the benefit of revision of pay scale w.e.f. 1.1.1986 instead of 11.9.1989 on the basis of Tribunal's orders dated 28.1.2002 in OA-1649/2001. However, the applicant has been denied the benefit as he was not an applicant in the said OA. The decision in the case of **Birender Singh** (supra) was based on Full Bench judgment dated 31.7.2000 in OA-2369/1999, **Babu Lal & Ors. Vs. Union of India & Ors.** In the case of **Birender Singh** (supra), the Court held as follows:-

"In our considered view, if one has regard to the Full Bench judgment in **Babu Lal** (supra) and the orders cited on behalf of the applicants, the applicants in the present OAs are identically placed as applicants in those OAs who were granted the benefit of revised pay scales w.e.f. 1.1.1986, particularly keeping in view that the applicants have not been holding any newly created posts and were holding posts which had been already in existence with a change in the designation only. These OAs are fully covered by the decision of the Full Bench in **Babu Lal** (supra).

6. Accordingly, these OAs succeed and are allowed. The impugned order dated 7.6.2001 (Annexure A-1) is quashed and the respondents are directed to grant the applicants the revised pay scales with effect from 1.1.1986 instead of 11.9.1989 and refix their pay accordingly and disburse the consequential benefits from such re-fixation within a period of three months from the date of receipt of a copy of this order. No costs".
2. Respondents have not been able to point out how the aforesaid Full Bench case as well as the case of **Birender Singh** (supra) can be distinguished from the facts of the present case. It is trite law that Government should extend the benefit of judgments of Courts which have become final to all employees similarly placed and not ^{derive the} ~~try~~ each one of them to seek redressal of their grievances before the Courts.
3. In result, this OA is allowed in the same terms as directed by Tribunal's orders dated 28.1.2002 in OA-1649/2001 **Birender Singh and Others Vs. Union of India and Others.**

S. Raju
(Shanker Raju)
Member (J)

V.K. Majotra
(V.K. Majotra)
Vice Chairman (A) 24.1.05