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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.972/2004

New Delhi this the 3rd day of May, 2006.

Hon'ble Shri V.K. Majotra, Vice Chairman (A)
Hon'ble Shri Mukesh Kumar Gupta, Member (J)

1. Vrigu Bhattacharjee
S/o Bishnu Pada Bhattacharjee,
R/o 10.42, Old Rajinder Nagar,
New Delhi-60 & Secretary General
Of All India Civil Accounts Employees
Association, New Delhi.
2. Smt. Neeta Nayyar
W/o Ram Avtar Nayyar,
R/o 146, Swastik Kunj,
Sector-13, Rohini,
Delhi-85.

-Applicants

(By Advocate: Shri S.K. Vyas)

Versus

Union of India:

1. Secretary to Govt. of India,
Department of Expenditure,
Ministry of Finance, North Block,
New Delhi-110001.
2. Controller General of Accounts,
Lok Nayak Bhawan, Khan Market,
New Delhi-110003.
3. Principal Chief Controller of Accounts,
Central Board of Excise & Customs
AGCR Bldg, 1st Floor, New Delhi.

-Respondents

(By Advocate: Shri H.K. Gangwani)

ORDER (Oral)

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

Through this OA, applicants have sought quashment of Annexure A-1 dated 12.01.1990 and Annexure A-2 dated 10.10.2003 whereby Electronic Data Processing (EDP) posts under the controller General of Accounts, Lok Nayak Bhawan, Khan Market, New Delhi, have been denied the benefit of revision of pay scales of EDP posts from 1.1.1986 instead of 11.09.1989.

2. At the outset, learned counsel of respondents took exception that applicant No.1 is a Senior Accountant and not a Data Entry Operator (DEO) and

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that he has no common interest with applicant No.2. Applicant No.1 has described himself as Secretary General of All India Civil Accounts Employees Association but there is no specific averment in the OA that he is filing the present OA in his capacity as an office-bearer of the Association. The cause title of the OA also does not show that the Association is a party to the OA. Moreover, there is no authorization in favour of applicant No.1 by any resolution of the aforesaid Association that he can file the present OA on behalf of the Association. Thus, OA suffers from inherent defect and is not maintainable.

3. No satisfactory reply to this objection has come-forth from the applicant's side. Certainly in the facts of the present case, applicant No.1 could not have joined with applicant No.2 in the OA. Be that as it may, applicant No.2 certainly has a grievance, which can be adjudicated upon in the present matter and in case any benefit is accorded to her, applicant No.1 will not be entitled to any benefit as Secretary General of All India Civil Accounts Employees Association, New Delhi or as a holder of any post. In this light, we are considering the relief sought for in respect of applicant No.2 alone.

4. Next on behalf of the respondents, it has been contended that the question of grant of arrears for the period from 1.1.1986 to 10.09.1989 is barred by delay and limitation. In this connection, learned counsel of applicants stated that applicants have sought benefit of certain judgments after the respondents have rejected representation made by the applicants. In this light, the present application is treated to be within the limitation period.

5. Learned counsel of applicant stated that applicant has been subjected to discrimination inasmuch as DEO Grade 'A' of the office of PAO, CBEC, Jaipur, were accorded the higher pay scales from 1.1.1986. Applicant, who is also DEO Grade 'A' under Controller General of Accounts has been granted the higher pay scale w.e.f. 11.09.1989, which is violative of Articles 14 & 16 of the Constitution of India. Learned counsel of applicants drew support from the decision in OA-398/2000 (CAT Jaipur Bench, Jaipur) dated 20.01.2003 **Pradeep Kumar**



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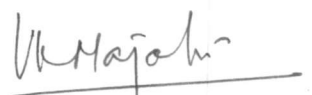
Sharma & Ors. Vs. Union of India & Ors. as also the decision in OA-
2067/2001 dated 29.09.2002 Shri K.N. Kutty & Ors. Vs. Union of India & Ors.

6. In these cases, applicants were allowed higher pay scale w.e.f. 01.01.1986 or from the date of their appointment as DEOs instead of 11.09.1989. These judgments, in our considered view, are in rem and are applicable to all similarly situated incumbents as the applicants in those cases. Thus, applicant Smt. Neeta Nayyar can also not be denied the benefit flowing from these judgments.

7. Accordingly, OA is allowed and respondents are directed to grant to the applicant the pay scale of Rs.1150-1500 w.e.f. 1.1.1986 or the date of her appointment as DEO Grade 'A' whichever is later along with arrears of pay and allowances for the said period on account of fixation in the said higher pay scale. Respondents are also directed to implement these directions within a period of two months from the date of receipt of a copy of these orders. No order as to costs.


(Mukesh Kumar Gupta)
Member (J)

cc.


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