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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA 1256/92

Date of decision: 14-7-93

Shri Henry Johnson

Vs. Union of India & Others

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Hon'ble Shri C.J. Roy, Member(J)

For the applicant .. Shri R.L.Sethi, Counsel

For the respondents .. Shri O.N.Trisal, Counsel

JUDGEMENT

This is an application filed under section 19 of the CAT Act by the applicant praying that the pay scale of Rs.400-950 be allowed along with consequential benefits to the applicant with effect from 27.5.1970. The applicant was appointed as a Junior Lecturer in the scale of Rs.325-575 in March, 1968 in the Directorate of Technical Education, Delhi Administration. The applicant claims that when the pay scale of various posts in Polytechnics and Technical Higher Secondary Schools were revised in 1971, he was singularly left out and denied the pay scale of Rs.400-950 but was continued in the pay scale of Rs.350-650. The applicant says that his case was recommended by his employer to the Chief Secretary, Delhi Administration, who in his turn has asked for certain clarifications but the Director of Technical Education has not furnished them so far, with the result he is forced to approach the Tribunal. As the applicant's date of birth is 16.2.35 and he is on the verge of retirement, he

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fears that he may not get through till his retirement. He claims that the act of the respondents is arbitrary and discriminatory and hence this application.

The respondents have filed their counter affidavit saying that the OA is not against any specific order, is patently time-barred and the applicant can not agitate his grievance after more than 20 years. They aver that the order dated 27.1.71 relating to revision of pay scales was not extended to the staff of Institute of Commercial Practice, where the applicant is employed. They further aver that Respondent 2 is ready to furnish all available clarifications and data to Respondent 1 but the final decision rests with the Government of India. Therefore, the applicant should have approached the appropriate authority before filing this OA.

The applicant has filed a rejoinder more or less asserting the same points.

I have heard Shri Ashish Kalia, proxy counsel for Shri R.L.Sethi, counsel and perused the records. There was none for the respondents.

It will be seen from the Respondents' reply that the post of the applicant was not covered under order dated 27.1.1971 revising the pay scales as the benefit of upgradation was not extended to the staff of the Institute of Commercial Practice under the said order.

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However, it is brought to my notice that the case of the applicant is being considered.

The respondents have not denied para 4.7 of the application in their reply. In para 4.7, the applicant has mentioned that Respondent 1 has sought the following clarification in July, 1990 from Respondent 2 which has not yet been furnished despite reminder dated 17th February, 1992:

- (a) Justification for delay in making reference to the Ministry after lapse of such a long period;
- (b) The matter may please be referred to Finance Deptt. of Delhi Admn. in the first instance for seeking their comments/views and recommendations;
- (c) Financial implication may be worked out showing the name and number of incumbents, designation, amount, period and other details if necessary;
- (d) Indicate budget provision to meet the additional expenditure;
- (e) Please indicate status of Instt. of Commercial Practice in the year 1971 and thereafter.
- (f) kindly send a copy of Delhi Admn. letter No. F.127/9/77-TE/SC dt. 8.7.77 alongwith a copy of the Luthra Committee Report.

Under the circumstances, the Respondents are directed to expedite their internal exercise and examine the case of the applicant and consider the case in accordance with the Rules. This exercise may be completed within three months.

With the above observation, the application is disposed of with no order as to costs.

[Signature]
(C.J. Roy)
Member (J)

14.2.92