

(A4)

CENTRAL ADMINISTRATIVE TRIBUNAL, Allahabad.

Original Application No. 351 of 1988

Anand Shankar Srivastava ...Applicant.

versus

Union of India & others ...Respondents.

Hon. Mr. Justice K. Nath, Vice Chairman.

Hon. Mr. K.J. Raman, Adm. Member.

(Hon. Mr. Justice K. Nath, VC)

In this petition under section 19 of the Administrative Tribunals Act, 1985 the applicant seeks fixation of his pay as Senior Computer in the scale of Rs 425-700 with effect from 1.1.1973, when the recommendations of the Third Pay Commission were given effect to.

2. It appears that when the report of the Third Pay Commission was implemented, the incumbents on the post of Senior Computers were placed in two categories : 1) those in the scale of Rs 330-560 like the applicant, and the rest in the scale of Rs 425-700. According to para 3 of the Counter, the justification for this classification was sought to be found in the Third Pay Commission's recommendation which recommended the scale of Rs 425-700 only for 20% of the sanctioned strength and the scale of Rs 330-560 to the remaining 80%. The persons to who were considered to be senior, appear / have

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been awarded the higher scale than those who were considered to be junior.

3. The controversy figured before the Principal Bench of this Tribunal in T.A. 335/85 decided on 11.4.86. It was found that since the Senior Computers were all performing the same type of duties and carrying the same responsibilities, it was not permissible to classify them into two groups bearing those different scales of pay. The principle of equal pay for equal work justifies the fixation of the higher scale of pay for all the Senior Computers. It was therefore, ordered by the Principal Bench that the revision of pay scales of Senior Computers to 330-560 was to be quashed, and all of them were held to be entitled to the scale of Rs 425-700 (vide judgment Annexure IV).

4. We have heard the learned counsel for the parties and have perused the statements of their case. The only justification, besides the report by the Pay Commission's Report contained in the Counter is that the decision rendered by the Principal Bench of the Tribunal can't bring ~~benefits~~ benefit to those in whose favour similar judicial orders had not been passed. That is not the correct approach of the administrative department, because it is well settled that the persons placed in the same situation can't be dealt with differently in the matter of relief awarded to them. The <sup>Careo</sup> ~~case~~ of Shiv Dayal Srivastava vs. Union of India & others, (1984) 1 SCC 724, and R.N. Dixit vs. State of U.P. & others (1983) Lucknow Civil Decision 201 may be seen in this connection.

5. The applicant is one of those persons who were promoted as Senior Computers prior to 1.1.1973. This

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petition is therefore, allowed and it is directed that the opposite parties shall give all benefits of the revision of pay scale of Rs 425-700 to the applicant for the post of Senior Computers with effect from 1.1.1973 alongwith all consequential benefits. The opposite parties shall revise and re-fix the applicant's scale and emolum-ents accordingly within a period of three months from the date of receipt of copy of this judgment.

*[Signature]*

Adm. Member.

*[Signature]*

Vice Chairman.

Dated the 24th April, 1990.