

CENTRAL ADMINISTRATIVE TRIBUNAL, additional Bench
Allahabad

DATED: THIS THE 29TH DAY OF MAY 1997

Hon'ble Mr. T. L. Verma JM
CORAM : Hon'ble Mr. S. Dayal AM

ORIGINAL APPLICATION NO. 1372/92

Sri Ram son of Ram Dhani,
resident of Hussaingunj,
Fatehpur. ----- Applicant

C/A Sri A. Kumar

Versus

1. Union of India through secretary
Ministry of Finance Department of
Revenue, Central Board of Direct Taxes,
New Delhi.

2. Commissioner of Incometax, Field Pay Unit,
Allahabad.

3. Incometax Officer, Fatehpur.

----- Respondents

C/R Sri Amit Sthalker

ORDER

By Hon'ble Mr. T. L. Verma JM

This application under section 19 of
the Administrative Tribunals Act 1985 has been filed
for issuing a direction to the respondents to pay
salary to the applicant at the rate admissible to
regularly appointed group 'D' staff w.e.f. 10/91
and continue to pay the same in future.

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2. The facts of the case in short are that the applicant was appointed in April 1989 in the office of the Income Tax Officer, Fatehpur as Sweeper/Jamadar as contingency paid staff on daily wages. He has been working as such since then. The applicant claims that he is entitled to salary at the minimum of the scale admissible to group 'D' staff. The respondent has disputed the claim of the applicant by filing counter affidavit.


3. We have heard counsel of both the parties and perused the records.

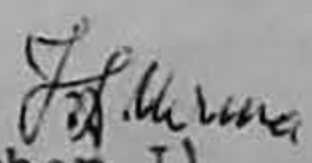
4. The learned counsel for the applicant submits that this case is in parimaterial with the case of Uma Dwivedi V/s Union of India (O.A.NO.1043 of 1990) decided on 8.4.1991 by a bench of this Tribunal.

5. In Smt. Uma Dwivedi and other V/s Union of India and others, applicants were appointed as contingency paid Stenographers on different dates in 1984 and they were paid wages upto 30.11.1985. From 1.1.1986, they were given salary at the rate minimum of the scale of pay applicable to class IV employees plus usual D.A. The grievance of the applicants was that they should have been paid minimum of the scale from the date they were appointed in group 'C' post. The Tribunal following the decision of the Hon'ble Supreme court in U.P. Income Tax Department contingency paid staff Welfare Association V/s Union of India A.I.R. 1988 SC 517 allowed the application and directed the respondents to make payment of salary to the applicants at minimum of the scale right from the date they were appointed.

6. In the case before us, post on which the applicant was appointed also is a group 'D' post. The contention of the learned counsel for the applicant is that he is entitled to salary at minimum of the scale of group 'D' post in the line of the decision rendered in Smt. Uma Dwivedi case. In view of the ratio of the decision of the Appex court followed in Dwivedi's case we agree with the contention of the learned counsel for the applicant that the applicant also is entitled to salary at minimum of the scale group 'D' post from 16.11.1991 the date from which he has made the claim.

7. In view of the above, we dispose of this application with the direction ~~to the respondents~~ to the respondents to pay salary to the applicant at the rate of minimum of scale with usual allowances but without increment applicable to regular employees of group 'D' w.e.f. 16.10.1991. Benefit of corresponding Dearness allowance and A.D.A. shall also be paid together with other benefits which are enjoyed by the employees of the same category. Respondents shall pay the arrears of pay within 3 months from the date of communication of this order and shall continue to pay the same in accordance with law in future also. Parties to bear their own costs.


Member A)


Member J)

SQI