

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.**

Original Application NO. 1577 of 1999.

Allahabad this the 20th day of November 2008.

Hon'ble Mr. Justice A.K. Yog, Member (J)

Hon'ble Mrs. Manjulika Gautam, Member (A)

1. N.S.I Officers and Technical Staff Welfare Association, Nationalal Suger Institute, Kalyanpur, Kanpur through its President Dy. Ausutosh Bajpai working as Junior Technical Officer, National Sugar Institute, Kalyanpur, Kanpur.
 2. Narendra Mohan a/a 35 years, son of Shri J.M Agarwal, posted as Senior Technical Assistant (Sugar Technology), National Sugar Institute, Kalyanpur, Kanpur.
 3. Shailendra Kumar Trivedi a/a 35 years, son of Shri Sheopal Trivedi posted as Senior Technical Asstt. National Sugar Institute, Kalyanpur, Kanpur.
 4. Mool Chandra a/a 38 years, son of Shri Sone Lal, posted as Senior Technical Assistant, National Sugar Institute, Kalyanpur, Kanpur.
 5. Ashok Kumar Garg a/a 34 years, son of Shri J.N Agarwal, Posted as Senior Technical Assistant, National Sugar Institute, Kalyanpur, Kanpur.
 6. Ajai Kumar Awasthi, a/a 32 years, son of late K.K. Awasthi, posted as Senior Technical Assistant, National Sugar Institute, Kalyanpur, Kanpur.
 7. Ambrish Kumar Asthana, a/a 30 years, son of Shri Subhash Chandra Asthana, posted as Senior Technical Assistant (Sugar Tech), National Sugar Institute, Kalyanpur, Kanpur.
 8. Yogendra Pratap Singh, a/a 30 years, son of Shri Bhupati Singh, posted as Senior Technical Asstt. (Sugar Technology), National Sugar Institute, Kalyanpur, Kanpur.
 9. Narendra Dev a/a 30 years, son of Shri R.R. Verma, posted as Technical Asstt. (Sugar Technology) National Sugar Institute, Kalyanpur, Kanpur.
 10. Prem Shanker Katiyar a/a 29 years, son of Shri N.R. Katiyar, posted as Technical Assistant, National Sugar Institute, Kalyanpur, Kanpur.
- Am*

11. Vaibhav Sharma a/a 26 years son of late Shri J.P. Gaur, posted as Technical Asstt. National Sugar Institute, Kalyanpur, Kanpur.
12. Mihir Mandal a/a 28 years, son of late Mukund Mandal, posted as Technical Asstt. National Sugar Institute, Kalyanpur, Kanpur.
13. Subhash Chandra Verma, a/a 52 years, son of late Bhagwati Prasad posted as Senior Research Asstt (Engg.) National Sugar Institute, Kalyanpur, Kanpur.
14. Sushil Chandra Nigam a/a 55 years, son of late M.B Nigam, posted as Research Asstt (Selection Grade) Engg. National Sugar Institute, Kalyanpur, Kanpur.
15. Gyan Prakash Gupta a/a 44 years, son of late Shri Ram Gupta, posted as Research Asstt. (Engg.) National Sugar Institute, Kalyanpur, Kanpur.
16. Sewak Ram a/a 43 years, son of late Maiku Lal, posted as Research Assistant (Engg.), National Sugar Institute, Kalyanpur, Kanpur.
17. Ram Krishna a/a 43 years, son of Shri Jagannath Prasad posted as Research Assistant (Agriculture Chemistry) (Selection Grade), National Sugar Institute, Kalyanpur, Kanpur.
18. Dinesh Chandra a/a 36 years son of late Jauhari Lal Posted as Research Assistant Bio Chemistry Division), National Sugar Institute, Kalyanpur, Kanpur.
19. Dr. Smt. Chitra Yadav, a/a 33 years, w/o of Shri C.P. Yadav, posted as Research Asstt. (organic Chemistry), National Sugar Institute, Kalyanpur, Kanpur.

.....Applicants

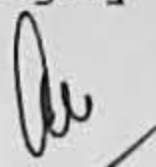
By Advocate: S/Shri A.K. Srivastava/ Arvind Kumar/ S.K. Mishra

Versus.

1. Union of India through the Secretary, Ministry of Food and Consumer Affairs, Department of Sugar and Edible Oils, Krishi Bhawan, New Delhi.
2. The Secretary Expenditure, Ministry of Finance, Government of India, New Delhi.
3. The Director, National Sugar Institute, Kalyanpur, Kanpur.

.....Respondents

By Advocate: Shri Ajay Singh.



O R D E R

Delivered by: Justice A.K. Yog, Member (J)

Heard Shri A.K. Srivastava, Advocate appearing for the applicant and Shri Ajay Singh, Advocate, appearing for the respondents.

2. This O.A relates to the year 1999. For various reasons (detail not relevant) O.A. remained pending.

3. Applicant vide para 17 of the Written Argument claim to be working as Senior Technical Assistant/ Senior Research Assistant, Research Assistant (Selection Grade), etc. who were granted replacement scale they were not specifically and directly dealt with under Vth Central Pay Commission.

4. Be that as it may, now we have VIth Central Pay Commission and applicants now may be entitled/eligible for revision of their pay as per VIth Central Pay Commission as has been the case in the past.

5. Pleadings as record show the Respondents are willing to consider the grievances of the Respondents but this exercise appears to have been kept in abeyance in view of the issues being subjudice due to pendency of the O.A.

6. Considering the nature of the case and the issue raised therein viz the same require adjudication on facts depending upon perusal of 'original record' coupled with the circumstances that statement is made on behalf of the respondents to consider the grievance of the applicants

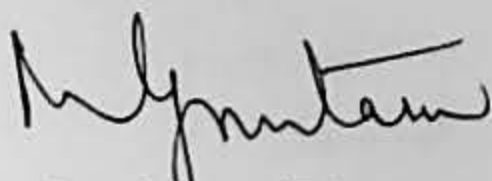
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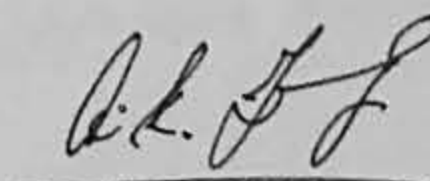
raised in the O.A., we direct the Applicants to approach the Respondents by filing certified copy of his order without reservation (including claim on the basis of Vth and VIth Pay Commission Recommendation) and exercising unfettered discretion in accordance with law.

7. In view of the above, we direct the applicants to file a certified copy of the order alongwith comprehensive representation, copy of the O.A. (with all Annexures) before the concerned Competent Authority dealing within National Sugar Institute, Kalyanpur, Kanpur with four weeks from today and the said Competent Authority shall, (provided 'representation' is filed within the time as stipulated above), decide this representation within a period of three months from the date of receipt of certified copy of this order (as indicated above) by passing a reasoned/speaking order in accordance with Act, Rules and Circulars etc. Decision taken shall be communicated to the applicants forthwith.

8. Subject to the above observation/direction, the O.A. stands disposed of finally at the admission stage.

9. There shall be no order as to costs.


Member (A)


Member (J)

Manish/-