

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 14th day of February, 2002.

Original Application No.140/2002.

CORAM :-

Hon'ble Maj Gen KK Srivastava, A.M.

Hon'ble Mr. AK Bhatnagar, J.M.

G.R. Singh S/o Late Shri Kalyan Singh,

Resident of LIG/59, A.D.A. Colony,

Rasoolabad, Allahabad.

(Sri MK Upadhyay, Advocate)

..... Applicant

Versus

1. Union of India through Secretary,  
Textile Ministry, New Delhi.

2. Development Commissioner (Handicraft),  
Office of the Development Commissioner (Handicraft),  
West Block No.7, R.K. Puram, New Delhi.

3. Additional Development Commissioner (Handicraft),  
West Block No.7, R.K. Puram, New Delhi.

(Sri R.C. Joshi, Advocate)

..... Respondents

O R D E R (O\_r\_a\_l)

By Hon'ble Maj Gen KK Srivastava, A.M.

In this OA filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed that a direction be issued to the respondents for payment of equal salary to the applicant which his juniors are being paid as Carpet Training Officer.

2. The facts giving rise to this application is that the applicant was working as a Carpet Training Officer in the Office of Development Commissioner, New Delhi. As per

Government of India, Ministry of Textiles order dated 16-5-1997, the grade in respect of those joining before 01-3-1978 was the scale of Rs.550-900<sup>the revised</sup> whereas the scale for those joining after 01-3-1978 was Rs.550-800<sup>the revised</sup>. These two scales were challenged and the issue was resolved by the Hon'ble Supreme Court in L.P.A. No.218/99/Civil Appeal No.4688/2000 by order dated 28-8-2000 and as per the orders of the Hon'ble Supreme Court only one scale of Rs.550-900<sup>the revised</sup> was applicable to all. Pursuant to this the juniors to the applicant filed OA No.1393/1997 and OA No.86 of 1998 which were allowed by this Tribunal vide order dated 12-2-2001. The main grievance of the applicant is that when this scale has been given to his juniors, the respondents were duty bound to give the same scale to the applicant as well.

3. Aggrieved by this the applicant filed a representation before respondent no.2, the first on 19-9-1997 and the second one on 22-9-2001. Learned counsel for the applicant Sri MK Upadhyay, submitted that the second representation was sent to respondent no.2 after the order of this Tribunal allowing the OA No.1393 of 1997 and OA No.86 of 1998. Sri Upadhyaya further submitted that the applicant sent a reminder on 23-11-2001 to respondent no.2 but respondent no.2 has not taken any decision so far.

4. Sri RC Joshi, counsel for the respondents submitted that the application<sup>is</sup> still pending with the respondents.

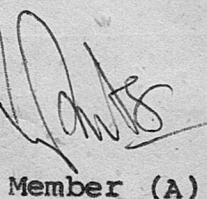
5. We have given due consideration to the submissions of the learned counsel for the parties and perused the records<sup>carefully</sup>.

5. We have gone through the seniority list which is placed at Annexure-3 to the OA. The applicant's name appears at Serial No.97 whereas the names of his juniors Sri Rajpat is at Serial No.101, Sri AK Khan at Serial

no.104, Sri PK Singh at Serial No.105, Sri RB Singh at Serial No.108, Sri Vijay Shanker at Serial No.125, Sri KP Singh at Serial No.126, Sri SB Singh at Serial No.129, Sri IP Singh at Serial No.131, Sri Sukh Lal at Serial No.134, Sri S. Pandey at Serial No.137 and Sri Shambhu Nath at Serial No.138, whose cases have been decided as per the orders of this Tribunal dated 12-2-2001 in OA Nos.193/1997 and 86/1988, and they have been given the scale of Rs.550-900. <sup>in (re-revised) in</sup> Since there is no doubt about the scale applicable for Carpet Training Officer in the respondents establishment now after the judgement of the Hon'ble Supreme Court, the applicant is entitled to get the scale from the date of his appointment as has been done in the case of his juniors.

3. In view of the above, we dispose of this OA finally with the direction to respondent no.2 to decide the representation dated 22-9-2001 within four weeks from the date of receipt of a copy of this order by a speaking order in view of our observations made above. There shall be no order as to costs.

  
Member (J)

  
Member (A)

Dube/