

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 28TH DAY OF AUGUST, 2002

Original Application No.194 of 2002

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Raj kumar Srivastava, son of
Late Shitla Prasad Srivastava, resident
of IIIrd/76, Ganga Vihar
New Cantt., Allahabad.

.... Applicant

(By Adv: Shri K.K.Roy)

Versus

1. Union of India through
the Secretary, Ministry of
Defence, Govt. of India,
South Block, New Delhi.
2. Controller General, Defence
Account, West Block V,
R.K.Puram, New Delhi.
3. Principal Controller of Defence
Accounts & Pension, Draupadi ghat
Allahabad.

.... Respondents

(By Adv: Shri P.D.Tripathi)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/ss 19 of A.T.Act 1985 applicant has
challenged the order dated 31.1.02(Annexure 1) to
grant pay scale of Rs1350-2300(now revised as 4500-
7000) to the applicant w.e.f. 1.1.1986 or from the
date of appointment whichever is later has been
rejected. This controversy was settled by judgments
of Hyderabad and Jabalpur bench of this Tribunal, which
is not disputed. Following the view taken by
Hyderabad and Jabalpur bench, Lucknow bench of this
Tribunal also passed the judgment granting relief to

the applicants. The Lucknow bench considered the whole controversy and disapproved the view taken by the respondents that the benefit given under the orders of Hyderabad and Jabalpur bench of this Tribunal is confined to the applicant of the case. It was held that this benefit is available to all the ^{as of} persons serving ^{as of} Data Entry Operators. However, the ^{view taken} _{against same} by the respondents, that the benefit given under the orders of Hyderabad and Jabalpur bench is ^{Applicant's} ^{case} _{which disapproved and} confined to the ~~case~~ ^{case} of the ~~applicant~~ ^{applicant}. It was held that this benefit is available to Data Entry Operators. However, respondents again by order dated 31.1.02 rejected the application of some applicants which was challenged in this Tribunal in OA No. 440/02. This Tribunal disposed of the OA by order dated 16.4.02 with following direction:

"From the aforesaid order of Lucknow Bench, it is clear that the stand taken by the department to refuse the relief was not approved and the judgments of Jabalpur and Hyderabad Bench of the Tribunal were treated to be judgment in 'rem and not in personum'. It is strange that the respondents have taken the same stand for rejecting the claim of applicants that they were not party before the Lucknow Bench of the tribunal, while passing the impugned order dated 31.1.02. It is a serious matter and only causes multiplicity of the proceedings. If a dispute has been decided, the department should have taken care,

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that the similar disputes and claims raised by the employees are considered in the light of such judgment. The O.A. is accordingly allowed and the impugned order dated 31.1.2002 is quashed. The cases of these applicant shall be examined and the consequential relief shall be granted to the applicants to which they may be found entitled within a period of three months from the date of communication of this order. There shall be no order as to costs."

The claim of the applicant in the present case has been rejected taking the similar view which has been disapproved by this Tribunal. In our opinion, applicant is entitled for relief. Accordingly, this OA is also disposed of on the same terms and conditions as provided in the order dated 16.4.02 passed in OA No.440/02. No order as to costs.



MEMBER (A)



VICE CHAIRMAN

Dated: 28th Aug: 2002

Uv/