

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Dated : This the 30th day of MAY 2002.

Diary No. 2449 of 2002

Original Application no. 710 of 2002.

Hon'ble Maj Gen K.K. Srivastava, Member (A)  
Hon'ble Mr. A.K. Bhatnagar, Member (J).

1. Surendra Kumar Goel, S/o Sri K.M. Goel,  
R/o 57/43, Block B Shyam Nagar, Kanpur.
2. Smt. Sushma Srivastava, W/o Sri S.C. Srivastava,  
R/o 2/4 Shanti Nagar Colony, Cantt. Kanpur.
3. Shri R.R. Maurya, S/o Sri M Maurya,  
R/o 66/3 H-Sahaney Colony, Cantt. Kanpur.
4. Smt. Konika Roy, W/o Shri S.K. Roy,  
R/o 22/3 Chainsukh Ka Ahata, Kamla Tower,  
Kanpur.
5. S.T.H. Rizvi, S/o Sri S.Q.H. Rizvi,  
R/o 40-B Subash Colony, Kanpur.
6. Ram Gulam, S/o Sri Jagan Nath, 44/9 Vishnu Puri,  
Labour Colony, Nawab Ganj, Kanpur.
7. Smt. Krishna Tripathi, W/o Sri P.C. Tripathi,  
R/o F/52 Shanti Nagar Cantt. Kanpur.
8. Smt. Asha Goel, W/o Sri M.M. Goel,  
R/o 162-B, Y-1, Yashoda Nagar, Kanpur.
9. Smt. Chandra Vati, W/o Sri D.V. Singh,  
R/o D-68 World Bank Colony, Barra, Kanpur.
10. D.B. Roy, S/o Sri B.N. Roy,  
R/o 20/5 Site No. 2, Kidwai Nagar, Kanpur.
11. Smt. Mithlesh Kumar, W/o Sri Maha Bali,  
R/o 322/14, Anand Bihar, Naubasta, Kanpur.
12. Ashutosh Pandey, S/o Sri T.N. Pandey,  
R/o Q. No. 7, Deendayal Nagar, Kanpur.
13. Smt. Sushila Bhardwaj, W/o Sri S.K. Bhardwaj,  
R/o 109/37 Nehru Nagar, Kanpur.

2.

14. Shri Man Mohan Chadha, S/o Sri M.L. Chadha,  
R/o 60/7, Labour Colony, Govind Nagar, Kanpur.
15. R.R. Maurya, S/o Sri M. Maurya,  
R/o 66/3 H Sahaney Colony, Cantt Kanpur.

All posted as Date Entry Operators under the Respondent no. 3 at Kanpur.

... Applicants

By Adv : Sri A. Moin

Versus

Union of India through

1. Secretary, Ministry of Defence, Govt. of India,  
South Block, New Delhi.
2. Controller General, Defence Accounts, West Block,  
R.K. Puram, New Delhi.
3. Principal Controller of Accounts and Finance (Factories)  
10 A Auckland Road, Kolkata.

... Respondents

By Adv : Sri N.C. Tripathi

O R D E R

Hon'ble Maj Gen K.K. Srivastava, AM.

In this OA, filed under section 19 of the A.T. Act, 1985, the applicants are aggrieved with the orders dated 20.2.2002 & 2.2.2002, passed by respondent no. 2 and communicated by local office of respondent no. 3 at Kanpur on 8.3.2002 by which the representations of the applicants have been rejected. The applicants have prayed that the respondents be directed to grant the pay scale of Rs. 1350-2200 (RPS Rs. 4500-7000) w.e.f. 1.1.1996 or from the date of appointment which ever is later.

2. The facts, in short, giving rise to the OA are that the applicants were appointed as Junior Key Punch Operator later redesignated as Data Entry Operator 'A' on various dates. Earlier Key Punch Operators were in two grades viz Junior Key Punch Operators and Senior Key Punch Operators.

3.

The scale of Junior Key Punch Operator was Rs. 260-400 (RPS Rs. 950-1500 w.e.f. 1.1.1996). The post of Junior Punch Operator was redesignated as Data Entry Operator Grade 'A' and the pay scale was also revised to Rs. 1150-1500 w.e.f. 11.9.1989 and further revised to Rs. 4000-6000 w.e.f. 1.1.1996. Similarly the scale of Senior Punch Operator <sup>in which the</sup> was in the pay scale of Rs. 330-560 was revised to Rs. 1200-2040 w.e.f. 1.1.1996. The post was redesignated as Data Entry Operator Grade 'B' w.e.f. 11.9.1989 in the pay scale of Rs. 1350-2200 (RPS Rs. 4500-7000 w.e.f. 1.1.1996). In accordance with the recommendation of Sheshagri Commission, the Govt. of India issued a circular on 11.9.1989 and granted the pay scale of Rs. 1150-1500 to Data Entry Operator Group 'A' w.e.f. 11.9.1989. A Bunch of Data Entry Operators claimed the parity with the Electronic Data Processing Staff working in the Railway Administration for grant of revised pay scale of Rs. 1350-2200 to DEO Grade A w.e.f. 1.1.1986 instead of 11.9.1989. ~~on Number of~~ Both the Data Entry Operators grade A & B were aggrieved for denying this grade w.e.f. 1.1.1986 or the date of joining. Number of Data Entry Operators filed OAs before Hyderabad Bench (OA no. 957 of 1990), Jabalpur Bench (OA no. 142 of 1995) & Lucknow Bench (OA no. 150 of 2001) of this Tribunal. All these OAs have been allowed by different Benches and the relief has been granted.

3. A similar controversy has also been decided by this Bench in Diary No. 1029 of 2002 (OA no. 440 of 2002), Bimal Kumar Sharma & Others Vs. Union of India & Ors.

4. Sri A Moin, learned counsel for the applicant submitted that based on these judgments, the applicant represented before the respondents and their representations have been decided vide order dated 20.3.2002 and 26.3.2002 conveying the decision vide letter no. Office of the C of F & A(Fys) Kanpur Group of Factories dated 8.3.2002 (Ann A-1).

5. Heard learned counsel for the parties, perused records and pleadings in the OA.

6. Letter dated 8.3.2002 contains the decision of CGDA, New Delhi to the following effect :-

"CGDA New Delhi has informed to this office vide his letter No. EDP/113/II/(PC)/Vol. 4 dated 22.02.2002 that it has been decided by Ministry of Defence (Finance) to implement the judgments to the CAT applicants only (to the DEOs who have gone to the CAT and obtained order in their favour). The cases received in your offices may be dealt with accordingly and individual concerned may be suitably informed."

7. This Tribunal deciding the similar controversy in OA 440 of 2002, Bimal Kumar Sharma & Ors Vs. U.O.I. & Ors <sup>in the</sup> ~~in the~~ observed as under :-

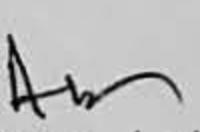
"From the aforesaid order of the Lucknow Bench, it is clear that the stand taken by the department to refuse the relief was not appropriate and the judgments of Jabalpur and Hyderabad Bench of the Tribunal were treated to be the judgment <sup>in</sup> ~~in~~ <sup>personam</sup> ~~personam~~. It is strange that the respondents have taken the 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, that the similar disputes and claims raised by the employees are considered in the light of such judgment. The OA is accordingly allowed and the impugned order dated 31.1.2002 is quashed. The cases of these applicants 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 orders as to costs."

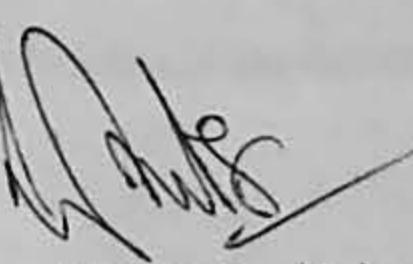
5.

8. We are in respectful agreement with the judgment of this Tribunal as cited above, in which it has been held that the judgment of Jabalpur and Hyderabad Bench are to be treated as judgment in rem and not in personam. The present controversy is squarely covered by the judgment of this Tribunal dated 16.4.2002 in OA 440 of 2002.

9. In the facts and circumstances and our aforesaid discussion, the OA is allowed. The impugned orders dated 8.3.2001 (Ann 1), CGDA, New Delhi letter no. EDB/113/II/(PC)/Vol **IV** dated 22.2.2002, impugned letter dated 20.3.2002 (Ann A2) and impugned letter dated 26.3.2002 (Ann A3) are quashed. The case of the applicants 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. The OA is decided accordingly.

10. There shall be no order as to costs.

  
Member (J)

  
Member (A)

/pc/