

# CENTRAL ADMINISTRATIVE TRIBUNAL

## AHMEDABAD BENCH

**O.A. NO.** 137 OF 1992

**~~T.A. NO.~~**

DATE OF DECISION 7.6.96

Shri J.M. Deshpande Petitioner

Mr. C.S. Upadhyay, Advocate for the Petitioner (s)

Versus

Union of India & Ors. Respondent s

Mr. Akil Kureshi, Advocate for the Respondent (s)

**CORAM**

The Hon'ble Mr. V. Radhakrishnan, Admn. Member.

The Hon'ble Mr.

### JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Shri J.M. Deshpande  
Extra Assistant Director,  
working in the office of  
the Executive Engineer  
Mahi Division, C.W.C.  
Ahmedabad.

..... Applicant.

(Advocate: Mr. C.S. Upadhyay)

Versus.

1. Union of India,  
Ministry of Water Resources  
Shram Shakti Bhavan,  
Rafi Marg, New Delhi-1.
2. The Union of India,  
Ministry of Finance  
Department of Expenditure  
New Delhi - 1.
3. The Chief Engineer Water Resources  
Organisation, North Region,  
Central Water Commission,  
Room No. 801, Seva Bhavan,  
R.K. Puram, New Delhi-66.
4. The Superintending Engineer,  
C.W.C. Western Rivers Circle,  
Block 'C' 3rd Floor, West Wing,  
C.G.O. Complex,  
Seminar Hills, Nagpur.
5. The Under Secretary (T.S.)  
Central Water Commission,  
Room No. 308, Seva Bhavan,  
R.K. Puram, New Delhi.
6. The Executive Engineer, C.W.C.  
Mahi Division, Vaghela Bhildingm  
1 Shyam Nagar, Gurukul Road,  
Memnagar, Ahmedabad.

..... Respondents.

(Advocate: Mr. Akil Kureshi)

J U D G M E N T

O.A.No. 137 OF 1992


Date: 7.6.96

per: Hon'ble Mr. V. Radhakrishnan, Admn. Member.

192  
Heard Mr. C.S. Upadhyay and Mr. Akil Kureshi,  
the learned advocate for the applicant and the  
respondents respectively.

2. The applicant, Mr. J.M. Deshpande, was appointed initially as Senior Computer with effect from 16.6.1971 and was promoted subsequently in the higher grades. The pay-scale of the Senior Computer was revised as per the recommendation of pay Commission in the following two scales. Rs.330-560 and Rs. 425-700. The bifurcation of the post into two different pay-scales was challenged on the basis that all the Senior Computers discharged the same duties and as such there should not be any discrimination in the pay-scale of Senior Computers. This differentiation in pay scales was challenged as violative of Articles 14 & 16 of the Constitution of India. The Principal Bench in its judgment dated 23.11.1990 quashed the order giving two separate pay scales and declared that all Senior Computers shall be entitled for the pay scales of Rs. 425-700 with all attendant benefits including arrears with effect from the date the revised pay scales became effective.

3. The applicant's contention is that inspite of the judgment of the principal Bench he has not been given the benefit of the higher pay scale even though placed in a similar position. Certain employees working as Senior Computers approached the Principal Bench and got the benefit extended to them. However, the applicant was not given the benefit of the higher pay scale in financial terms from 1.1.1973 the date on which the new pay scale came into effect. His pay was fixed notionally in the higher pay scale of 425-700 from 1.1.73 to the actual basis with effect from 1.12.88, Annexure A-1. The applicant represented to the higher authorities, Annexure A-2 collectively,



requesting that he should be given actual benefit of his refixation from 1.1.73 with consequent payment of arrears on the ground that many of his colleagues had been given the benefit of pay scale from 1.1.73. According to him, no reply has been given to him so far. Accordingly, he has approached this Tribunal praying for the following reliefs;

- "(1) The respondents authorities may be directed to extend the benefits of revision of pay scale of senior computers i.e. RS.425-700 to the applicants with effect from the date of the revision of pay scale i.e. from 1.1.1973 in case of the applicant with all attendant benefit like arrears of pay etc. due to them.
- (2) The respondent authorities may be directed to pay the cost of this petition.
- (3) Any other relief as deemed fit by the Hon'ble Tribunal in the interest of justice;

4. The respondents have filed reply. They have stated that the Ministry of Water Resources vide their letter dated 24.2.89, Annexure R-1, had decided that the benefit of higher scale of Senior Computer may be allowed to the concerned employees on notional basis with effect from 1.1.1973 and on actual basis with effect from 1.12.88. Accordingly the applicant has been given the benefit of the scale notionally with effect from 16.7.84 and actually with effect from 1.12.1988.

5. Mr. Upadhyay, the learned advocate for the applicant argued that when once the Senior Computers who had approached the Central Administrative Tribunal had been given the benefit of higher pay scale the actual date of appointment vide judgments of the

- 5 -

Principal Bench dated 16.11.88 (Shri K.S. Munna & Ors. V/s. Union of India & Ors.), Allahabad Bench (Shri Kailash Ram & Ors. V/s. Union of India & Ors.), Principal Bench dated 23.11.90, (Shri Dwarka Prasad V/s. Union of India & Ors.), there is no reason why the applicant, who is similarly placed should not be allowed the benefit of the higher pay scale on actual basis from the date of his appointment i.e., 16.6.71. Mr. Akil Kureshi, Senior Standing Counsel for the respondents fairly conceded that there cannot be any major objection to granting the prayer of the applicant apart from the fact that the letter dated 24.2.89 stood in the way.

6. The applicant is similarly placed as the other applicants referred to in the earlier judgments of the different Benches of the C.A.T who have been granted the benefit of the higher scale from the actual date of their joining as Senior Computer. It is pointed out by the applicant's advocate that even any juniors to the applicant have been granted the benefit. This only fact that the applicant is also extended the benefit of higher scale of Rs. 425-700 as Senior Computer from 1.1.1973. Accordingly, the application is allowed. The respondents are directed to extend the benefit of scale of Rs. 425-700 with effect from 1.1.73 on actual basis with all consequential benefits including arrears which shall be calculated and disbursed to the applicant within three months from the date of the receipt of a copy of this judgment. No order as to costs.

  
(V. Radhakrishnan)  
Member (A)

vto.

CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

Application No. OA 137/92

Transfer Application No. \_\_\_\_\_

CERTIFICATE

Certified that no further action is required to be taken and  
the case is fit for consignment to the Record Room (Decided).

Dated : 18/6/96

Countersign :

R 18696

Section Officer.

K. B. G. S.  
18/6/96  
Signature of the Dealing  
Assistant