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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.241 of 1989.

Date of decision: October 17, 1990.

Dr. Prabodh Chandra Samal ... Applicant.

Versus

Union of India and others ... Respondents

For the applicant :::: M/s. P. Palit,
B. Mohanty,
A. K. Kanungo,
N. Patra, Advocates.

For the respondents ... Mr. Tahali Dalai,
Additional Standing Counsel
(Central)

C O R A M:

THE HONOURABLE MR. B. R. PATEL, VICE-CHAIRMAN

A N D

THE HONOURABLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? No.
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

J U D G M E N T

N. SENGUPTA, MEMBER (J) In this application the relief claimed is for quashing Annexure-A8 to it.

2. The facts, stated briefly, are that the applicant was appointed as a Medical Officer under the Dandakaranya Development Authority. While he was serving in Dandakaranya Development Project he was being paid salary in the scale of pay of Rs.650-1200 (prevised). He claimed that he ought to have been paid salary in the scale of pay

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of Rs.700-1300/- on the principle of equal pay for equal work as other Medical Officers doing the same work in the other Departments were entitled to that scale of pay. In that regard he filed an original application in this Tribunal bearing no.O.A.349 of 1988. In that original application an order was passed directing the respondents therein to pay the applicant salary in the scale of pay in which other Medical Officers were drawing their pay, in the scale of pay of Rs.700-1300/-. The Dandakaranya Project was wound up and the applicant was declared surplus and he was redeployed from the Surplus Cell for being appointed as Medical Officer in Dadra Nagar Haveli in the scale of pay of Rs.650-1200/- vide Annexure-A/8 dated 10.1.1989. This is the impugned order. The applicant's prayer, in substance, is that in Annexure-A/8 the scale of pay after revision on the recommendation of the Fourth Central Pay Commission corresponding to the pre-revised scale of pay of Rs.650-1200/- has been stated to be the scale of pay applicable to him and this is incorrect.

3. The respondents in their counter have not disputed the facts alleged by the applicant with regard to the previous original application, the order passed therein and the redeployment of the applicant under Annexure-A/8. Their further case is that against the order passed by this Tribunal in the aforesaid original application No.389 of 1988 an S.L.P. was to be filed before the Hon'ble Supreme Court. Therefore, the ~~psy~~ scale mentioned in Annexure-A/8 to the application is the one

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corresponding to the pre-revised scale of pay of Rs.650-1200/-.

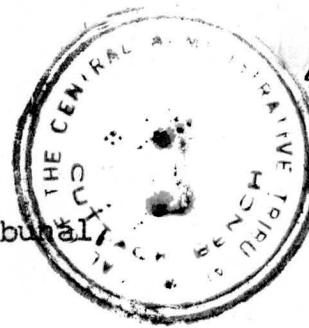
4. We have heard Mr. B. Mohanty, learned counsel for the applicant and Mr. Tahali Dalai, learned Additional Standing Counsel (Central) for the respondents. Undoubtedly, this Tribunal directed in O.A. 389 of 1988 to pay salary to the applicant in the pre-revised scale of pay of Rs.700-1300/- and that is, so long as it is not set aside, binding on the respondents. Mr. Dalai has very vehemently contended that as the Department proposed to prefer an appeal to the Supreme Court Annexure-A/8 cannot be challenged by the applicant. We are not impressed by such an argument. For the reasons mentioned above, as admittedly, the scale of pay mentioned in Annexure-A/8 is the revised scale of pay corresponding to pre-revised scale of pay of Rs.650-1200/-, it needs modification in that it should be taken that at the time of redeployment the applicant was entitled to the revised scale of pay corresponding to pre-revised scale of pay of Rs.700-1300/- and his redeployment should be made on that basis.

5. The applicant succeeds to the extent indicated above and the case is disposed of accordingly, without any order as to costs in the circumstances of the case.

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B. Mohanty
17.10.90

Vice-Chairman

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N. S. Seal
17.10.90
Member (Judicial)



Central Administrative Tribunal
Cuttack Bench, Cuttack.
October 17, 1990/Sarangi.