

Serial No. of Order	Date of Order	Order with Signature	Office note as to action (if any) taken on order
6	11.8.94	<p><u>O.A.177/94 read with M.A.413/94.</u></p> <p><i>time to file</i></p> <p>The prayer for counter made in M.A.413 of 1994 dated 22.7.1994 by respondents' counsel Mr. Akhyay Kumar Misra is rejected as notices were already served on 6.4.1994 after filing of this petition and so far no counter has been filed.</p> <p>2. This is a simple case in which the petitioners in Group 'C' posts borne in Class III service, as Technical operators have claimed arrear/salary fixed in the grade of Rs.975-1540/- with effect from 1.1.1986.</p> <p>The circumstances under which this petition <i>came to</i> <i>ad longum</i> could be filed have been stated at long run in the petition. A selection committee consisting of Administrative Officer, Senior Geologist and Senior Chemist, conducted the interview. The applicants were selected and were appointed in August, 1984 and in November, 1985 respectively. Rs.196-230/- and Rs.210-290/- were coming under Group 'D' service. These scales were revised to Rs.750-940/- and Rs.800-1150/- with effect from 1.1.1986. The unrevised scale of pay of Rs.260-400/- of the lowest Group 'C' post was revised to Rs.975-1540/- with effect from 1.1.1986. The fact of up-gradation of Section Cutter, technical and laboratory Attendants to Group 'C' (Class III) was not placed before the Fourth Pay Commission and</p>	

Serial No. of Order	Date of Order	Order with Signature	Office note as to action (if any) taken on order
Order No.6 dt. 11.8.94 contd.		<p>consequently the pay Commission was under the impression that the same posts continued under Group D service. A demand was made by the petitionersto pay the scale of Group 'C' service but that was not acceded to contending that 4th Pay Commission was being contemplated.</p>	
		<p>3. An analogy has been drawn ^{from} in the case of Shri Ranjit Kumar Poddar, Technical Operator (Chemistry) whose unrevised pay was RS.210-270/- ^{and} was given the pay scale of RS.975-1540/-, though it is stated that he was given suchpay scale after redesignation as Technical Operator.</p>	
		<p>4. Annexure-A/1 and Annexure-A/2 were read over to us by the learned counsel for the petitioners and names of the applicants does not find place in Annexure-A/1 for the reason that they are directly selected. The applicants herein now claim that in view of the facts stated in paragraph 4 of the petition, they are entitled to the scale of pay of RS.975-1540/- with effect from 1.1.1986.</p>	
		<p>Those facts contained in para 4 have been substantially ^{referred to} quoted above. We do not find any dispute on the part of the respondents because it is a fact that pay scale of Group 'C' post, has been revised to RS.975-1540/- with effect from 1.1.1986. As such, if that be the</p>	

5

5

Serial No. of Order	Date of Order	Order with Signature	Office note as to action (if any) taken on order
<p>Order No.6 dt.11.8.94 contd.</p>		<p>position, there is no reason why the applicants should be denied this pay scale which they have been claiming with effect from 1.1.1986.</p> <p>5. For the grounds stated above and contained in the petition, we are satisfied that non-sanction of the pay scale to the applicants is unjust and calls for interference. In the circumstances, we direct the respondents to give the pay scale of Rs.975-1540/- to the applicants with effect from 1.1.1986 and the entire process be completed within one month from the date of this order. No costs.</p> <p>6. Copy of this order shall be delivered to the applicants' counsel as well as Adm. learned Addl. Standing Counsel(Central) for the respondents.</p> <p style="text-align: right;">Vice-Chairman</p> <p style="text-align: right;">Member (Admn.)</p>	<p>OB. No. 6 dt. 11.8.94</p> <p>A copy of above order may be given to the counsel for both sides.</p> <p>18/8/94</p> <p>18.8.94</p> <p>Received Copy</p> <p>18/8/94</p>

Received Copy of the
Judgment dt. 11.8.94

18/8/94