

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

For admn.
Adt to 21.6.02.
Notice returned from
P. 8, 10, 11 and 12.

Bd

20.6.02

Order dated 25.6.2002

Heard Shri B. Parida, Advocate for the Applicant and Shri A.K. Bose, Sr. Standing Counsel for the Respondents.

Applicant, a non-Matric Constable/Sr. Field Assistant of Aviation Research Centre at Charbaghia (Cuttack) has filed this Original Application claiming the revised pay scale meant for Matriculate Constables/Sr. Field Assistants.

Previously Non-Matriculate and Matriculate Constables/Sr. Field Assts were getting one scale of pay. Later, the pay scale of Matriculate Constables/Sr. Field Assistants and Non-Matriculate Constables/Sr. Field Assistants were separated.

Non-Matriculate Constables/Sr. Field Assts. raised a grievance on the ground of discrimination, which was the subject matter of challenge/examination/scrutiny in O.A.13/2000 before this Tribunal.

That Original Application (O.A.31/2000) was disposed of on 20.6.2001, virtually, allowing the grievances of the Applicants therein and, as a consequence, both Matriculate and Non Matriculate Constables/Sr. Field Assts. were allowed to get the higher scale of pay.

In the present O.A. the Applicant (non Matriculate Constable) has claimed the benefits of the O.A.13/2000 (Chandiramani Pradhan & Ors. vs. Union of India & Ors) (Supra).

Undisputedly the Applicant herein belongs to the category of the Applicants in the O.A.13/2000. In this view of the matter, the Applicant is definitely entitled to the higher pay scale, which was originally prescribed for the Matriculate

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Constables/Sr.Field Assistants.

In ordinary course the Applicant should have been extended the benefits of the higher pay scale meant for Matriculate Constables/Sr.Field Assts. but simply because he did not approach the Tribunal he was not extended the said benefit. It is the case of the Advocate for the Applicant that in the aforesaid premises the Applicant has filed the present O.A. for redressal of his grievances.

Shri A.K.Rose, learned Sr.Standing Counsel has raised a point that the Applicant having approached the Tribunal late, the present O.A. is barred by limitation. Where injustice is glaring, technicality of law of limitation cannot stand in the way of dispensation of justice and, therefore, the objection with regard to limitation, as raised on behalf of the Respondents, is hereby overruled.

In the result, the O.A. is allowed. Respondents are directed to grant (the Applicant) the higher pay scale meant/prescribed for Matriculate Constables/Sr.Field Assts. within a period of three months from the date of receipt of copies of this order and arrears of differential salaries shall be paid to the Applicant within a period of one month thereafter. There shall, however, be no order as to costs.

AFR

MEMBER (JUDICIAL)

25/6/2002

Copies of order
may be sent to
the court for safe
keeping

Regrd

10/6/02

28/6/02