

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A.NOS.103/2000 & 196/2001
Cuttack, this the 13th day of March, 2002.

PRASANT KUMAR SINGH & ORS.

APPLICANTS.

VRS.

UNION OF INDIA & ORS.

RESPONDENTS.

FOR INSTRUCTIONS

1. whether it be referred to the reporters or not? Yes
2. whether it be circulated to all the Benches of the Central Administrative Tribunal or not? Yes

MP
(M. P. SINGH)
MEMBER (ADMN.)

Manoranjan Mohanty
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL) 13/03/02



CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O. R. NOS. 103/2000 & 196/2001.
Cuttack, this the 13th day of March, 2002.

C O R A M:

THE HONOURABLE MR. M. P. SINGH, MEMBER (ADMINISTRATIVE).

A N D

THE HONOURABLE MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL).

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O. A. NO. 103/2000.

PRASANT KUMAR SINGH,
Aged about 47 years,
S/o. Canesh Prasad Singh,
At present working as
Senior Field Assistant,
A.R.C., Charbatia, Cuttack. Applicant.

By legal practitioner: M/s. B. S. Tripathy,
M. K. Rath,
R. K. Singh,
Advocates.

- Versus -

1. Union of India represented by the Secretary,
Cabinet Secretariat, South Block, New Delhi.
2. Director General of Security, Aviation
Research Centre, Cabinet Secretariat,
New Delhi.
3. Director, Aviation Research Centre,
Office of the Cabinet Secretariat,
Block-5, East R.K. Puram, New Delhi-66.
4. Deputy Director (Admn.),
Aviation Research Centre,
At/PO: Charbatia,
Dist. Cuttack-28.
5. Deputy Director (Admn.),
Aviation Research Centre,
H.Q. New Delhi.

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6. Sri Bichitra Nanda Mohanty,
Son of Keshab Charan Mohanty,
7. Sri Indramani Mohanty,
S/o. P. Mohanty,
8. Sri Golak Behari Nath,
S/o. Narayan Nath,
9. Sekhar Chandra Ghosh,
S/o. S. G. Ghosh,
10. Sri Dijasor Sahoo,
11. Sri K.K. Sharma,
12. Sri Brajagopal Das,
13. Sri R.K. Sinha,

Respondents 6 to 13 are at present working as Field Assistant/Security Guards in Aviation Research Centre, At/Po: Charbatia, Dist. Cuttack.

.... Respondents.

By the legal practitioner: Mr. B. Dash,
Additional Standing Counsel.

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O.A. No. 196/2001.

1. Sukhendu Kumar Ray Choudhury,
Aged about 52 years, Son of
late Sunil Kumar Ray Choudhury,
at present residing at Birat Bazar,
At: Po: - Charbatia, Dist. Cuttack.
2. Basudev Manna, Aged about 53 years,
Son of late Satish Chandra Manna,
at present residing at House No. 1,
Shradha Thakur Lane, Po: Bhatpara,
Dist: 24 Pragana (North) West Bengal,
PIN- 743 123.

.... Applicants.

By legal practitioner: M/s. B. S. Tripathy, M. K. Rath, R. K. Singh,
Advocates.

- Versus -

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1. Union of India represented by the Secretary, Cabinet Secretariat, South Block, New Delhi.
2. Director General of Security, Aviation Research Centre, Cabinet Secretariat, New Delhi.
3. Director, Aviation Research Centre, Office of the Cabinet Secretariat, Block-5, East R.K. Puram, New Delhi-66.
4. Deputy Director (Admn.), Aviation Research Centre, At/PO: Charbatia, Dist. Cuttack-28.
5. Deputy Director (Admn.), Aviation Research Centre, HQ, New Delhi.
6. Sri Bichitra Nanda Mohanty, S/o. Keshab Charan Mohanty,
7. Sri Indramani Mohanty, S/o. P. Mohanty,
8. Sri Golak Behari Nath, S/o. Narayan Nath,
9. Sekhar Chandra Ghosh, S/o. S. G. Ghosh,
10. Sri Dijabar Sahoo,
11. Sri K. K. Sharma,
12. Sri Brajagopal Das,
13. Sri R. K. Sinha,

Respondents No. 6 to 13 are at present working as Field Assistant/Security Guards in Aviation Research Centre, At/PO: Charoatia, Dist. Cuttack.

.... Respondents.

By legal practitioner : Mr. A. K. Bose,
Senior Standing Counsel (Central).

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ORDER

(ORAL)

MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL) :-

Heard Mr. B.S.Tripathy, learned Counsel for the Applicants in both the cases and Shri Anup Kumar Bose, learned Senior Standing Counsel appearing for the Respondents in O.A.No.196/2001 and Shri B.Dash, learned Additional Standing Counsel (Central) appearing for the Respondents in O.A.No.103/2000 separately one after the other and, since in both the cases common question of facts and law are involved, for the sake of convenience, we proceed to dispose of these two Original Applications in this common order.

2. Earlier a batch of non-matriculate Constables approached this Tribunal in Original Application No.57/86 and by judgment dated 06-02-1992, their grievances were allowed. The operative portion of the judgment dated 6-2-1992 is extracted below:

In view of the discussions made above, we hold that the provisions contained in the ARC/SFF (Field Officers) Service Rules, 1976, not having any retrospective operation and being prospective, has no application to the present applicants. Further more, we hold that for the reasons stated above, the circular-memorandum bearing No.XXI-35880, dated 27-2-1975 contained in Annexure-2 is not sustainable, it is hereby quashed. We further hold that the applicants are entitled to a pay scale of Rs. 225-308/- and accordingly each of them be paid with effect from 1-1-1973. Arrears to which the applicants are entitled be calculated and each of them be paid within 90 days from the date of receipt of a copy of this judgment.

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3. As it appears, the aforesaid judgment/order was the subject matter of challenge in Civil Appeal No. 3567 of 1993 and by an order dated 24-11-1998, the Division Bench of the Hon'ble Supreme Court of India, virtually, affirmed the orders of this Tribunal. The text of the order dated 24-11-1998 of the Hon'ble Supreme Court of India is extracted below:


"We see no infirmity in the order of the Tribunal which has directed that the Constables who were recruited prior to 1-1-1973 should be paid identical scales pay, especially in view of the fact that there is nothing on the record to show that the Matriculate and non-Matriculate Constables were performing different duties. The order of the Tribunal is correct and requires no interference. The appeal is accordingly dismissed. No order as to costs".

4. After the above, the Government of India issued a Circular/instruction No.12, dated 1.11.1999 restricting the benefits to such of the Applicants who approached the Tribunal. As a consequence thereof, 29 other non-matriculate Constables had to approach this Tribunal in OA No.13/2000 which was disposed of on 20th June, 2001 with the following directions:

"we hold that the application is not barred by limitation and therefore, the same is maintainable. We also quash Annexure-11, dated 1.1.1999 (1.11.1999) in not extending the benefit of judgment in OA No.57/86 to other non-matriculate Constables, similarly placed as that of the applicants in OA No.57/36 and direct the departmental respondents to extend the benefit of the judgment to the applicants in this case. xx xx."

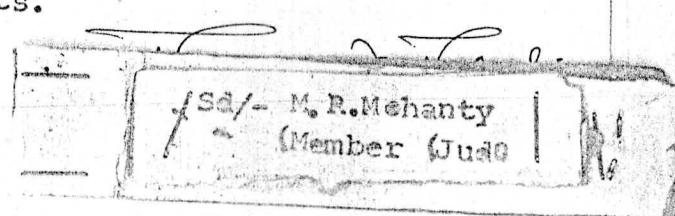
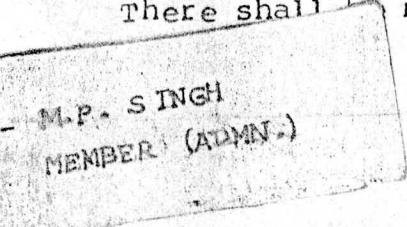
5. Thus, the Govt. Circular/instruction No.12, dated 1.11.1999 received due consideration/examination of this Tribunal, while disposing of the Original Application

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No.13/2000, and as per the orders of this Tribunal rendered in the said O.A.No.13/2000, notwithstanding the Government circular/instruction No.12,dated 1.11.1999, the benefits have been extended to such of the Non-matriculate Constables who are in active service before 1976 Rules came into force.

6. Present Applicants are non-matriculate Constables engaged at Aviation Research Centre, at Charibatia (near Cuttack) and all of them are getting lower scale/grade of pay than the Matriculate Constables. There is no reason not to extend them the benefits of the judgment rendered in O.A.No.57/86 and O.A.No.13/2000. In the said premises, we direct the Respondents to extend the benefits of the judgment rendered in O.A.Nos.13/2000 and 57/86 to the present Applicants; provided they have entered into services prior to 1976. The resultant reliefs should ^{also} be extended to the Applicants within a period of three months hence.

7. In the result, therefore, both the Original Applications (O.A.Nos.103/2000 & 196/2001) are allowed. There shall be no order as to costs.



KNM/CM.