

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

Nos. O.A.604 of 1996
O.A.619 of 1996
O.A.622 of 1996
O.A.1060 of 1996

Present : Hon'ble Mr. Justice S.N. Mallik, Vice-Chairman.
Hon'ble Mr. B.P. Singh, Administrative Member.

CHITTARANJAN SAHA & ANOTHER
SASANKA SEN & 12 ORS.
PRADIP CHOUDHURY & 36 ORS.
HIMANGSHU KUMAR GHOSAL & 2 ORS.

Vs.

UNION OF INDIA & ORS.
(NATIONAL SAMPLE SURVEY ORGANISATION)

For the applicants : Mr. P. Chatterjee, counsel.
(in O.A.604/1996, O.A.619/1996 & O.A.622/1996) : Mr. K.C. Saha, counsel.
For the applicants : Mr. S.K. Gupta, counsel.
(in O.A.1060/1996)
For the respondents : Mr. B. Mukherjee, counsel.

Heard on : 7.4.1999 & 20.4.1999 Order on : 29.04.99

ORDER

S.N. Mallik, V.C.

These four applications have been heard together as the grievances of the respective applicants in the same are identical and reliefs claimed against the respondent-authorities are also the same.

2. In O.A.604/1996 there are 2 applicants. Their case is that they have been working initially as Data Processing Supervisor under the respondent-authorities and were holding the same post on 1.1.1986 and were, however, subsequently promoted to higher

post. The post of Data Processing Supervisor which the applicants in the aforesaid O.A. were holding were subsequently redesignated as Data Processing Assistant and the scale of pay attached to the said post being Rs.1400-2600 was replaced by a scale of Rs.1600-2660/- w.e.f. 11.9.1989, as per Govt. notification issued by the Ministry of Planning, Department of Statistics dated 2nd July, 1990 (vide annexure 'A/3'). According to the applicants in the above O.A., the date from which the above notification was to come into force i.e. 11.9.1989 being arbitrary, was challenged by affected employees before various Benches of the Tribunal at Cuttack, Nagpur, Hyderabad and also at Calcutta by filing different applications. The decisions taken by the aforesaid Benches went in favour of the applicants who moved the Benches and a uniform decision was taken by the aforesaid Benches directing the respondent-authorities to give effect to the said notification regarding the benefit of the pay scale to be given and the respondents were directed to give the benefit w.e.f. 1.1.1986 instead of 11.9.1989. Copies of these judgments are to be found collectively as annexure 'A/4'. The judgment delivered by the Calcutta Bench in O.A. 282/1993 and O.A. 744/1993 filed by 94 applicants jointly, is to be found at page 48 of this O.A. which is dated 6.3.1996. There also the said applicants were given the benefit of the revised pay scale on redesignation of the post on the basis of the Govt. notification dated 2nd July, 1990, w.e.f. 1.1.1986 instead of 11.9.1989. The applicants in the present O.A. have stated that their prayer for the revision of pay scale w.e.f. 1.1.1986 with reference to the Bombay/Nagpur Bench judgment, as contained in their representation dated 18.12.1995, as per annexure 'A/5', were never considered by the respondent-authorities. Hence the aforesaid O.A.

3. In the other 3 O.A.s, the facts and the point in issue involved are almost the same with the only difference that the applicants thereto as on 1.1.1986, were working under the

respondent-authorities as Data Processing Assistants which posts were redesignated as Data Entry Operator, Group-B, as per Govt. notification dated 2nd July, 1990 (vide annexure 'A/3') and the scale of pay was revised from Rs.1200-2040/- to Rs.1350-2200/-. All the applicants thereto claim that the date of effect of such higher scale of pay given in annexure 'A/3' as 11.9.1989 is arbitrary and it should be given effect to from 1.1.1986 in view of the pronouncements made by the different Benches of the Tribunal as referred to above.

4. All the aforesaid O.A.s have been contested by the respondent-authorities and the common defence is that the applicants were not given such benefits in terms of the judgment passed by the different Benches including the Calcutta Bench as they were not parties thereto.

5. We have heard Mr.P.Chatterjee, leading Mr.K.C.Saha, the 1st.counsel appearing for the applicants in all the above 3 O.A.s and Mr.S.K.Gupta, 1st.counsel appearing for the applicants in O.A.1060/1996 as also Mr.B.Mukherjee, the 1st.counsel appearing for the respondent-authorities.

6. We have gone through the averments made in the respective O.A.s and reply thereto alongwith the annexures on record. From the copy of the judgments delivered by the different Benches of the Tribunal at different point of time, as per annexure 'A/4' series, it has been clearly held by the different Benches of this Tribunal including the Calcutta Bench that such benefits of the notification, as per annexure 'A/3' dated 2nd July, 1990, is to be given ^{effect} w.e.f. 1.1.1986 instead of 11.9.1989. Accordingly, the aforesaid Benches of the Tribunal by their respective judgments, directed the respondent-authorities to accord benefit of the respective scale of pay given to the redesignated post of Data Processing Assistant and Data Entry Operator, Group-B, on and from 1.1.1986 instead of 11.9.1989. The respondents thereto were directed to give the arrears for the said period i.e. from 1.1.1986 to 10.9.1989 with all consequential benefits within a time bound period.

7. Under such circumstances, we do not find any material to differentiate the above four O.A.s from the O.A.s covered by the earlier judgments, as referred to above, and to deny the benefits obtained by the former applicants to the present applicants. The defence that the applicants in the present O.A.s cannot be given the said benefit as they were not parties to the O.A.s decided by the Calcutta Bench or by the other Benches, is no legal ground at all. Under such circumstances, we are of the view that all the O.A.s should be allowed.

8. Accordingly, the aforesaid four O.A.s are allowed by this common judgment. We direct the respondent-authorities to give benefit of the respective scale of pay to which the applicants in their respective O.A. are entitled to w.e.f. 1.1.1986 with all consequential benefits. We further direct the respondent-authorities to disburse the arrears of pay w.e.f. 1.1.1986 till the date when the applicants were given benefit of such scale of pay i.e. 11.9.1989 within a period of two months from the date of communication of this order.

9. All the four O.A.s are disposed of with the above directions. No order is made as to costs.

J.W.dmr
(B.P.Singh) 29/4/99
Administrative Member

Dr. Mallik
(S.N. Mallik)
Vice-Chairman