

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No.O.A.982 of 1996

Date of order : 5.12.2001

Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman

Hon'ble Mr. S. Biswas, Administrative Member

PINAKI NANDAN MAITI & ORS.

VS.

UNION OF INDIA & ORS.

For the applicants : Mr. Moloy Dhar, counsel

For the respondents : Mr. R.M. Roychoudhury, counsel

O R D E R

D.N. Chowdhury, V.C.

The applicants were Commercial Clerks in the scale of Rs.425-640/-. After a proper selection they were promoted to the next higher scale of Rs.455-700/- w.e.f. 1-9-1986 and their pay on promotion was fixed at Rs.600/- w.e.f. 1.9.1986 in the promoted scale of Rs.455-700/-. On the introduction of the new scale of Rs.1400-2300/- their pay was fixed at Rs.1760/- per month w.e.f. 1.9.1986. Subsequently, the said order was cancelled and the pay of the applicants was reduced to Rs.1640/-. The matter was assailed before the Tribunal earlier by some similarly situated and circumstanced persons, in O.A.No.52 of 1988(Pulin Chandra Das & Ors. Vs. Union of

India & Ors.) which was disposed of by this Bench by order dated 11.7.1988 directing the respondents to fix the pay of the applicants at the stage of Rs.1760/- in the scale of pay of Rs.1400-2300/- and the applicants were allowed to draw their pay accordingly. The amount which had been deducted on account of the fixation at the stage of Rs.1640/- was ordered to be refunded to the applicants within a specified period. Thereafter another set of persons had filed an O.A.No.1086/1988(Tarapada Bhadra & Ors. Vs. Union of India & Ors.) which was also disposed of by this Tribunal on 8.6.1990 allowing the same benefits.

2. The present applicants moved the authorities^{praying} for allowing them the same benefits as given to the applicants of the aforesaid cases on the ground that the order of reduction of pay in case of similarly situated persons was set aside by the competent authority. By the impugned order dated 10th May,1996 their claim was turned down only on the score that they were not the party in the aforesaid cases and the benefit of pay fixation was confined to the applicants of those O.As only.

3. We have heard the ld. counsel for the applicants and the respondents and perused the records. It was the contention of the ld. counsel for the applicants that the respondents cannot deny the similar benefits to the applicants which was given to other similarly placed persons simply on

the ground that the present applicants were not a party to the earlier cases. Admittedly, the very basis of the order by which the pay of the applicants was reduced to 1640/- ~~is~~ no longer in existence in view of the aforesaid judgments of this Tribunal.

4. Under such circumstances, there was no justification for denying the same benefits to these applicants who are similarly situated and circumstanced as the applicants of O.A.No.52/1988 and the O.A.No.1086/1988. Accordingly, the respondents are directed to allow the similar benefits of pay fixation ^{to the applicants of this O.A.} as given to the applicants of the aforesaid cases.

5. The application stands disposed of. No order as to costs.


MEMBER(A)

S.m.


VICE-CHAIRMAN