

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. OA 1014 of 96

Date of order : 6.7.04

Present : Hon'ble Mr.N.Prusty, Judicial Member

Hon'ble Mr.N.D.Dayal, Administrative Member

DR.KISHORE KR.BANERJEE & ORS.

VS

UNION OF INDIA & ORS.

For the applicants : Mr.S.K.Dutta, counsel

For the respondents: Mr.B.Mukherjee, counsel

O R D E R

N.Prusty, J.M.

Heard Mr.S.K.Dutta, ld.counsel appearing for the applicants and Mr.B.Mukherjee, ld.counsel appearing for the respondents.

2. The applicants who are presently working as Non-Medical Demonstrators under All India Institute of Hygiene & Public Health, Calcutta have filed the present application for the following reliefs

a) to direct the respondent to revise with retrospective effect the pay scale of the applicants from 1640-2900/- to 2200-4000/- in analogy with the revision of pay scale of their counter-parts working in Maulana Azad Medical College and Lady Harding Medical College, New Delhi (as revised from 1640-2900/- to 2200-4000/-) and to make payment of arrear salary arising out of such revision of pay scale from 1640-2900/- to 2200-4000/- with effect from 1st January, 1986 the day recommendation of the 4th Pay Commission came under operation.

b) to grant leave to move this application jointly under Rule 4(5)(a) of Administrative Tribunals (Procedure) Rules, 1987, since the cause of action and the relief sought for are same



... 2/-

and similar.

c) and to pass such further or other order or orders as your Lordships may deem fit and proper.

2. As such the main prayer of the applicants in this OA is to revise their pay-scale with retrospective effect from 1640-2900/- to 2200-4000/- in the analogy with the revision of pay-scale of their counter-parts working in Maulana Azad Medical College and Lady Harding Medical College, New Delhi (as revised from 1640-2900/- to 2200-4000/-) and to make payment of arrear salary arising out of such revision of pay scale from 1640-2200/- to 2200-4000/- w.e.f. 1.1.86 on the basis of the recommendation of the 4th Pay Commission.

3. Mr.Dutta, ld.counsel for the applicants submits that the persons who were working in Lady Harding Medical College, New Delhi had filed OA 2073/88 before the Principal Bench of the Tribunal which was disposed of by the Tribunal by its order dated 22.12.89 directing the respondents to consider the representation of the applicants within a specific period. On the basis of the above direction the concerned authority took the final decision in the matter and extend the benefits of the revised pay-scale of 2200-4000/- in favour of the applicant therein by order dated 25.3.94. A copy of the said order has been filed as Annexure 'D' to this OA. This order was given effect to from 1.1.86 i.e. the date from which the recommendation of the 4th Pay Commission was implemented.

4. Ld.counsel for the applicants submits that this OA can also be disposed of at this stage directing the respondents to treat this OA as a representation of the applicants and consider and dispose of the same keeping in view the recommendation of the Director (Annexure 'E') taking into account the ratio decided by the Principal Bench of this Tribunal dated 22.12.89 in OA 2073/88.

5. Mr.B.Mukherjee, ld.counsel for the respondents vehemently opposes to the above submissions made by the ld.counsel for the applicants since no individual representations have been filed and as such departmental remedies available to the applicants have not been exhausted by them. <sup>in reply</sup> to the above submission Mr.Dutta, ld.counsel for the applicants submitsthat even though individual representations have



not been filed, the applicants' association has already represented to the concerned authorities for extending all such benefits which are enclosed as Annexure 'E', 'H' and 'I' and on the basis of the said representations the Director recommended their case by his recommendation dated 7.9.94 (Annexure 'F').

6. Considering the submissions made by the ld.counsel for both the parties the respondent authorities, more particularly respondents No. 1 & 2 are directed to consider the case of the applicants for extending the benefits of revised pay-scale of 2200-4000/- in favour of the applicants keeping in view the recommendation of the Director dated 7.9.94 (Annexure 'F') and also order dated 25.3.94 (Annexure 'D') by which the same benefit has already been extended to the similarly placed persons working in other Medical Institutions, treating this OA as a representation of the applicants and dispose of the matter by passing a reasoned and speaking order within a period of 2 months from the date of communication of the order and communicate their decision to the applicants within a period of 2 weeks thereafter. It is made clear in case the decision goes in favour of the applicants all the consequential service/ financial benefits be extended in favour of the applicants on the basis of such decision within a period of one month from the date of such decision.

7. The OA is accordingly disposed of with the above observation/ directions. No order as to costs.

MEMBER(A)

in

MEMBER(J)