

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.O.A.292 of 1996

Present : Hon'ble Mr.Justice A.K.Chatterjee, Vice-Chairman.

Hon'ble Mr.M.S.Mukherjee, Administrative Member.

ANUKUL MAJUMDAR & ORS.

..... Petitioners
vs.

1. Union of India through the Ministry of Planning,
New Delhi.
2. The Secretary, Ministry of Finance, New Delhi.
3. The Secretary, Ministry of Law, New Delhi.
4. The Secretary, Department of Statistics,
Ministry of Planning, Sardar Patel Bhawan,
Sansad Marg, New Delhi-110 001.
5. The Deputy Secretary to the Govt. of India,
Department of Statistics, Sardar Patel Bhawan,
Sansad Marg, New Delhi-110 001.
6. The Director, National Sample Survey Organisation,
164, G.L.Tagore Road, Calcutta-700 035.

..... Respondents

For the petitioners : Mr.S.K.Gupta, counsel.

For the respondents : Mr.B.Mukherjee, counsel.

Heard on : 21.2.1997

Judgment on : 13.3.1997

J U D G M E N T

A.K.Chatterjee, V.C.

These 9 petitioners working as Data Processing Assistants
in the National Sample Survey Organisation, Calcutta, under

the Ministry of Planning, have made this application seeking parity of pay with the Data Processing staff of the Railways in the circumstances as under.

2. On the recommendation of the Fourth Pay Commission, pay scale of Rs.1200-2040 was allotted to the Data Processing Assistants w.e.f. 1.1.1986 while for the Data Processing Staff in the Railways, the Commission recommended a higher scale of Rs.1350-2200 w.e.f. the same date. The said Commission, however, also recommended further examination of the matter by the Department of Electronics for re-organisation of the existing grades and to prescribe uniform pay scales. Accordingly, a Committee, popularly known as Seshagiri Committee, was constituted and as per its recommendation, the Ministry of Planning issued an order on the 2nd July, 1990, whereby sanction of the President was communicated to the revision of pay scale of Data Processing Assistant to Rs.1350-2200 but w.e.f. 11.9.1989. The petitioners are aggrieved with the date w.e.f. which the revised scale is to take effect i.e. 11.9.1989 on the ground that such cut-off date is arbitrary and unsustainable. Accordingly, they have made a prayer for a direction upon the respondents to give effect to the revised scale of Rs.1350-2200 from 1.1.1986 and to release all consequential benefits.

3. The respondents in their counter have stated that the particular date, namely, 11.9.1989 was decided as a matter of policy and the Ministry had no option but to give effect to it.

4. We have heard the ld.counsel for both the parties and perused the record before us.

5. Since the Data Processing Staff of the Railways and the Data Processing Assistants of the Ministry of Planning have been given the same grade as per recommendation of Seshagiri Committee, it can be reasonably assumed that the duties and

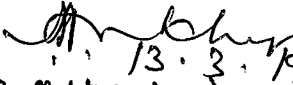
responsibilities of these two categories of officers are incomparable. Once this position is accepted, there is hardly any escape from the conclusion that granting the same scale to these two categories of staff w.e.f. different dates is totally illogical. It is nobody's case that due to any reorganisation or for any other reason, the Data Processing Assistants under the Ministry of Planning had to assume higher responsibilities from 11.9.1989 or prior to such date the duties and responsibilities of the Data Processing Staff in the Railways were higher than their counter-parts in the said Ministry. In such situation, prescribing different dates for granting the same pay scale to the two categories cannot be sustained. The respondents contention that this date has been fixed as a matter of policy decision must be hailed to be without any merit, because the State as a model employer, is not expected to take such policy decisions which will result in arbitrary discrimination. We are, therefore, unable to uphold the respondents case on the ground urged by them.

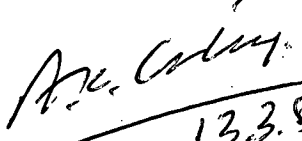
6. It is on the record that several cases were filed by the Data Processing Assistants under Ministry of Planning in different Benches for granting them the pay scale of Rs.1350-2200 w.e.f. 1.1.1986 which were consistently allowed. In this regard, the respondents have stated in their counter that since the present petitioners were not parties to those judgments, the benefit of the same could not be extended to them. It is unfortunate that even after the matter was decided by several Benches of the Tribunal, the concerned authorities were not disposed to grant the same benefit to other employees who were precisely similarly circumstanced and forced them to a litigation which was not

conclusive to the interest of any of the parties. This stand taken by the respondents must be condemned in no uncertain terms and we feel that it was their boundant duty to grant the scale of Rs.1350-2200 to the present petitioners without driving them to litigate with the State.

7. For reasons stated above, the application succeeds. The respondents are directed to fix the pay of the petitioners in the scale Rs.1350-2200 according to extant rules w.e.f. the date from which they were fitted in the scale Rs.1200-2040. Order regarding such fixation shall be made within 3 weeks from the date of communication of this order and all arrears as may be admissible to the petitioners consequent upon such fixation shall be released within another 3 weeks.

8. The respondents shall also pay Rs.1000/- as costs to the petitioners.


13.3.1997
(M.S. Mukherjee)
Administrative Member


13.3.97
(A.K. Chatterjee)
Vice-Chairman