

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, CALCUTTA.

D.A. No. 426 of 1996

Date of Decision : 29-JUNE-2001

Samir Kumar Mitra & 16 Ors.

..... APPLICANTS.

By Advocate :- Mr. P.K.Roy.

Vs.

1. Union of India service through the Secretary, Department of Statistics, Ministry of Planning, Sardar Patel Bhavan, Parliament Street, New Delhi-110 001.
2. The Director General, Central Statistical Organisation, Department of Statistics, Ministry of Planning, Sardar Patel Bhavan, Parliament Street, New Delhi-110 001.
3. The Joint Director, Central Statistical Organisation (Industrial Statistics Wing), 2, Council House Street, Calcutta-700 001.
4. Director, Central Statistical Organisation (Industrial Statistics Wing), Sardar Patel Bhavan, Parliament Street, New Delhi-110 001.
5. Government of India, Service through the Secretary, Finance Department, Vittal Bhavan, New Delhi.

..... RESPONDENTS.

By Advocate :- Mr. S.K.Dutta.

C O R A M

HON'BLE MR. JUSTICE S.NARAYAN, VICE-CHAIRMAN.

HON'BLE MR. L.R.K.PRASAD, MEMBER (A)

O R D E R

JUSTICE S.NARAYAN, V.C.:- The applicants, being 17 in number, were working on the post of Data Entry Operator in the E.D.P. Section of the Central Statistics Organisation (Industrial Statistics Wing), Calcutta. They all were availing the benefit of the higher pay scale, being Rs.1350-2200/- w.e.f. 11th September, 1989, on the strength of the Government notification issued pursuant to acceptance of the recommendation of the 'Seshagiri Committee.

2. Even though ~~xxx~~, at the initial stage, various reliefs had been sought for in terms as contained in paragraph 8(a) to 8(e), but at the stage of hearing, learned counsel for the applicants confined to ^{the} relief only in regard to the date from which the aforesaid

higher pay scale should be implemented to. As against the implementation of the higher scale w.e.f. 11th September, 1989, it was urged on behalf of the applicants that it ought to have been extended w.e.f. 1st January, 1986 i.e., the date of implementation of the recommendation of the 4th Central Pay Commission in contrast to such benefits allowed to similarly circumstanced employees of the Data Protection Division of Railways.

3. The applicants' prayer, as above, was controverted by the respondents' side only on the plea that the benefit of higher scale was extended to the applicants only on the strength of the recommendation of the 'Seshagiri Committee' which was accepted by the Government in and around the year 1989 and, therefore, it could be given effect to from the date of the notification granting the benefit.

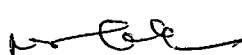
4. In order to controvert the counter plea raised on behalf of the respondents, learned counsel for the applicants has drawn our attention to the orders passed by this Tribunal from different Bench, including that of Calcutta Bench. We find that this Tribunal from Bombay Bench took a decision by a judgment and order dated, 7th March, 1995, in D.A. No. 755 of 1990 (Hari Shamrao Nimja & Ors. Vs. Union of India & Ors.), as per which the benefit of higher scale was extended to similarly situated incumbents w.e.f. 1st January, 1986.

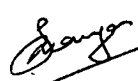
5. The Calcutta Bench of this Tribunal also proceeded on the line as decided by the Bombay Bench, referred to above, and took a decision in its judgment and order dated, 6th March, 1996, passed in OA 282 of 1993 and D.A. No.744 of 1993, and thereby, the benefit was extended to such similarly situated incumbents w.e.f. 1st January, 1986.

6. Therefore, putting reliance on the earlier decision of this Bench as also of Bombay Bench, we find no alternative then to extend the benefit to the applicants of the instant case as well.

7. In the result, it is deemed expedient that this O.A. be disposed of with a direction upon the respondents authority to deal with the pending representation of the applicants and to extend the benefit of the higher scale provided they are similarly situated as that of the applicants of the OAs, referred to above, and they have already been given the benefit of ^{the} scale w.e.f. 11th September, 1989.

8. This OA is thus, disposed of with the direction, as above. There shall be no order as to costs.


(L.R.K. PRASAD)
MEMBER (A)

 29-6-01
(S. NARAYAN)
VICE-CHAIRMAN