

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

OA.473 of 1996

Date of Order: 19.5.98.

Present: Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman.
Hon'ble Mr. S. Dasgupta, Administrative Member.

MAKAR CHANDRA SAHA, s/o late Hira Lal Saha
aged about 53 years, working for gain as
Asstt. Director (Quality Assurance) Gr. II,
Office of the Deputy Director (QA) PUNE, at
present residing at No. 32/5, Ajanta Road,
Santoshpur, Calcutta-75.

.... Applicant.

-Versus-

1. Union of India service through the Secretary,
Department of Supply, DGS&D, Nirman Bhawan,
C.Wing, New Delhi-110001.
2. The Director General, Supplies & Disposals,
Govt. of India, N.I. Bldgs., 5, Parliament
Street, New Delhi-110001.
3. The Director (QA) (SG), Directorate of Quality
Assurance, Govt. of India, Mayakar Bhavan
Annexe, N.M. Lines, Mumbai-400020.
4. The Deputy Director (Administration), Office
of the Directorate General of Supplies &
Disposals, Govt. of India, (Admn. Section-16)
Jeevan Tara Building, Parliament Street,
New Delhi.

.... Respondents.

For the petitioner: Mr. Samir Ghosh, counsel.
For the respondents: Mrs. U. Sanyal, counsel.

Heard on: 19.5.98.

O R D E R

S.N. Mallick, V.C.

In this application, the petitioner has prayed

for, inter alia, a direction upon the respondents to extend the benefits to the applicant in terms of the judgement and order dated 9.2.94 passed by this Tribunal in O.A.no.1377 of 1990 with retrospective effect. It is stated that the applicant was initially appointed as Junior Draftsman on 1.9.71 in the scale of Rs 150-240, subsequently revised to Rs 330-560/- w.e.f. 1.1.73 and pay of the applicant was fixed at Rs 340/-wef 1.1.73. As per recommendation of the Fourth Pay Commission this scale was further revised to Rs 1400-2300/- w.e.f. 1.1.86 and his pay was fixed at Rs 1520/- w.e.f.1.1.86. Thereafter, the applicant was promoted to the post of E.Q.A. on 23.9.86 and was given further promotion to the post of Asstt.Director(QA) Grade-II in the office of the DDQA in the scale of pay of Rs 2000-3500/-. The scale of pay of the similarly circumstanced employees, namely, Junior Draftsman was revised by virtue of the decision of the Govt. of India, notionally with effect from 1.1.73 and actual benefit was accorded w.e.f.16.11.78 and the same was extended to the similarly circumstanced employees, i.e., Junior Draftsman at par with CPWD by virtue of the judgement and order delivered by the CAT, Calcutta Bench in O.A.no.319 of 1989. Some similarly circumstanced employees namely, one Sunil Kumar Bhowmick and others moved an application before this Tribunal being O.A.no.1377 of 1990 for extension of the said benefit of the judgement and order as in O.A.no.329 of 1989 also also the scale of pay at par with their counterparts in CPWD as Junior Draftsman in terms of the decision of the Government of India and the said benefit was allowed by this Tribunal to those applicants by the order dated 9.2.94 which was subsequently implemented in respect of those applicants. According to the petitioner, he, being a similarly circumstanced employee, is also entitled to get the same benefit attached to the post of Junior Draftsman notionally w.e.f. 1.1.73 and the actual benefit from 16.11.78 as was extended to the other similarly circumstanced employees in CPWD by virtue of the

order delivered by this Tribunal.

It is the case of the petitioner that although the benefit as per final order dated 9.2.94 passed in O.A. no.1377 of 1990 has been given to the applicants concerned but the same has been denied to him without any lawful reason.

The respondents have filed a reply in which the material case of the petitioner has not been denied. It is stated in paragraph 14 of the reply that the applicant is a similarly circumstanced employee only to the extent of the judgement dated 9.2.94 in O.A.no.1377 of 1990 filed by one S.K.Bhowmick and Others. But it is the specific case of the respondents that the benefit of the aforesaid judgement or final order cannot be extended to the applicant as he was not a party to the O.A.no.1377 of 1990. We are unable to appreciate such contention being raised in the reply. Mrs.Sanyal, appearing for the respondents, in all fairness, submits that the order dated 9.2.94 passed in O.A.no.1377 of 1990 has reached the stage of finality and ~~and~~ has been implemented by the respondents.

Under the circumstances, we are of the view that there is no reason on the part of the respondents to deny the similar benefits to the petitioner which was allowed to the similarly circumstanced employees as per order dated 9.2.94 passed in O.A.no.1377 of 1990.

Under the circumstances, we dispose of this application at the admission stage with this direction that the benefits given to the applicants in O.A.no.1377 of 1990 as per order dated 9.2.94 (dated 9.2.94) should be extended to the present applicant on similar terms as contained in the aforesaid order (~~by~~ Annexure-A) within a period of 3 months from the date of communication of this order. No order as to costs.

(S.Dasgupta)
Member(A)

(S.N.Mallick)
Vice-Chairman.