

CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH

OA NO.522/96

Calcutta this the 27th day of September, 2002.

Hon'ble Mr. S. Biswas, Member (Adminv)

Hon'ble Mr. Shanker Raju, Member (Judl.)

Nagai Chahan & 18 others

-Applicants

(By Advocate Mr. B. Mukherjee)

-Versus-

Union of India & Others

-Respondents

(By Advocate Sh. P.K. Arora)

ORDER (ORAL)

Mr. Shanker Raju, Member (B):

Applicants, 19 in number, have sought the benefit of restructuring in the unrevised pay scale of Rs.825-1200 as Gangmen w.e.f. 1.3.93 on the basis that proviate respondents who were admittedly their juniors have already got the benefit whereas they are deprived of the same with the result the juniors are getting higher pay scale on the basis of the restructuring given effect to as per the circular dated 1.3.93. It is stated that two of the applicants have been given the benefit w.e.f. 1994 but yet they are getting lesser pay than their juniors. In this conspectus the learned counsel of the applicants alleges discrimination, violative of Articles 14 and 16 of the Constitution of India. It is further stated that their representation dated 6.12.95 has not been responded to by the respondents.

2. On the other hand respondents contend that the applicants are seniors to the private respondents and were given the benefit of restructuring prior to them and the two applicants have been given restructuring as per the chain vacancies and as such giving them benefit from 1.3.93 is out of question. It is further stated by the learned counsel for the respondents that applicants being seniors to the private respondents are enjoying the same benefit in the scale of pay of Rs.800-1150 which they were given before the private respondents. The same benefits have been accorded to them as per the seniority list drawn in 1969.

3. We have carefully considered the rival contentions of the parties and perused the material on record. Learned counsel for the respondents has also shown us the seniority list and the restructuring benefits accorded to one of the applicants but from the perusal of the same it is not made clear as to the implementation of circular dated 1.3.93 to accord the benefits of the re-structuring upon the staff. Though it is not disputed that the private respondents are juniors to the applicants, however, it is also not ascertained as to whether private respondents are getting higher pay than the applicants in pursuance of the restructuring.

4. Keeping in view the uncertainty in the present case coupled with the fact that the representation of the applicants has not been disposed of, ends of justice would be duly met if the present OA is disposed of with the

direction to the applicants to prefer a self-contained representation, incorporating all their pleas and rights and entitlement to the benefit of the restructuring w.e.f. 1.3.93, within four weeks from the date of receipt of a copy of this order, thereupon the respondents shall re-examine their claim in the light of their eligibility and in accordance with circular of restructuring by passing a detailed and speaking order, within two months thereafter. In the event the applicants' claim is acceded to, they shall be entitled to all the benefits of restructuring w.e.f. 1.3.93 with all consequential benefits. Ordered accordingly. No costs.

S. Raju
(Shanker Raju)
Member (J)

S. Biswas
(S. Biswas)
Member (A)