

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No.O.A./118/1997

Present : Hon'ble Mr.D.Purkayastha, Judicial Member

Hon'ble Mr.G.S.Maingi, Administrative Member

<u>Sl.No.</u>	<u>Name, M/S & Father's Name of the applicant</u>	<u>Dt. of appnt.</u>	<u>Designa- tion</u>	<u>Office Address</u>	<u>Permanent Address</u>
1.	Shri Prabir Kumar Mohanta 263396 Late Satyendra N.Mohanta	2.6.69	Electrician		New Hasimara, P.O.Hasimara P.S.Jaigaon Dist.Jalpaiguri(W.B.)
2.	Shri Samar Kr.Bose, 212614 Late Atul Kr. Bose	1969	do		P.O.Hamiltonganj Dist.Jalpaiguri.
3.	Shri Dulal Sengupta, 216621 Late Sasikanta Sengupta	1965	do		Alipurduar, Netaji R Madhya Para, P.O. Alipurduar Dist.Jalpaiguri.
4.	Shri Anulya Kr. Bhadra 216625 Late Satish Ch.Bhadra	1965	do		Subash Colony Hamiltonganj P.O. Hamiltonganj Dist. Jalpaiguri.
5.	Shri Netaji Chand Roy 216628 Late Trailakhy N.Roy	1968	Instrument Repairer (Electrician)		C/o Sri Haripada R Arabinda Nagar P.O. Alipurduar Dist. Jalpaiguri
6.	Shri Sanat Kr. Chatterjee 216601 Late Bimala Pada Chatterjee	29.11.65	Mazdoor		C/o A.4. E.E./M No. G.E.(AF) Hasimara P.O. Hasimara Dist. Jalpaiguri
7.	Shri Bhudeb Kr.Moullick 216612 Late Ajit Kr.Mouluk	6.6.70	Linesman		-do-

All are working under Garrison Engineer (A/F), Hasimara,
P.O. Hasimara, Dist.Jalpaiguri.

... Applicants

- Versus -

1. Union of India service through the Secretary, Ministry of Defence, Rakshya Mantralay, New Delhi.
2. Engineer-in-Chief, Army Headquarters, DHQ New Delhi.
3. The Chief Engineer, Eastern Command, Headquarters Fort William, Calcutta-700 021.
4. The Chief Engineer(A/F), Siliguri Zone, P.O. Shilong, Shilong.
5. The Commander Works Engineer(A/F), Kalaikunda, P.O. Kalaikunda, Dist. Midnapore

6. The Garrison Engineer(A/F), Hasimara,
P.O. Hasimara, Dist. Jalpaiguri.

... Respondents

For the applicant(s) : Mr. N.C.Chakraborty, counsel

For the respondents : Mr. B. Mukherjee, counsel

Order on: 2.5.2000

Heard on: 2.5.2000

O R D E R

D.Purkayastha, J.M.:-

At the time of argument ld. advocate Mr. B.Mukherjee appearing on behalf of the respondents has drawn out attention to the Order dated 30.8.1996 passed in Civil Appeal Nos.11486 of 1996 arising out of SLP(Civil) Nos. 17021-17022 of 1995 (Union of India & Ors. Vs. S. Yoganand & Ors.) where the Lordship held that :-

" These appeals have been filed against an order passed by the Central Administrative Tribunal directing that the same scale of pay be given to the petitioners respondent which was being paid to the skilled grade employees. The court has repeatedly pointed out that the courts or the Tribunals normally should not try to fix the pay scales different categories of employees only on principle of equal pay for equal work. This aspect of the matter has been examined in detail in the case of State of Madhya Pradesh & Ors. Vs. Pramod Bhartiya & Ors. reported in 1993 (1) SCC 539.

Accordingly, we allow these appeals quashed the order of the Tribunal and direct the appellants to examine the grievances of the respondents in the light of the aforesaid judgement of this Court and if necessary re-fix their pay scales in accordance with law. No costs.

2. It is alleged by the applicants that they made representations to the Authorities for removal of

Pay on the ground stated in the application. But respondents did not dispose of the said representations till date.

Mr. N.C.Chakraborty, ld. counsel appearing on behalf of the applicants submits that the Tribunal is not going to refix the Pay Scale of the Applicants but only to give the benefit of the judgement as referred to above to the applicants who are similarly circumstances.

3. In view of the aforesaid judgement of the Hon'ble Appex Court dated 30.8.1996 we are of the view that it would be appropriate on our part to direct the respondents to appoint an Expert Committee consisting of three persons to examine the grievance of the applicants for the purpose of removal of anomaly as claimed by the applicants in the application. We are also of the view that removal of anomaly is a matter of executive function. Therefore, we direct the respondents to consider this application as a part of their representation and that should be referred to the said Expert Committee which would be constituted by the respondents as per direction for the purpose of examination and the Expert Committee should submit the decision in this regard after considering the representation of the applications within 3 (three) months from the date of constitution of the Expert Committee. With this direction application is disposed of awarding no costs.

G.S. Maini
2.5.2000

G.S. MAINI
MEMBER(A)

D.P. Purkayastha
2.5.2000
D.PURKAYASTHA
MEMBER (J)