

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 58/2003

Wednesday, this the 7th day of December, 2005

C O R A M :

**HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR. N. RAMAKRISHNAN, ADMINISTRATIVE MEMBER**

1. Jacob Kuruvila,
S/o. P. Baby,
Data Entry Officer 'C',
Area Accounts Office (Navy),
V.T. Road, Perumanoor P.O.,
Thevara, Kochi - 15,
Residing at Little Flower House,
Thanapadam, Padamugal,
Kakkanad P.O., Kakkanad.
2. George Varghese,
S/o. Late George P.A.,
Data Entry Officer 'C'
Area Accounts Officer (Navy),
V.T. Road, Perumanoor P.O.,
Thevara, Kochi - 15,
Residing at Malakethu House,
Panackal, Thekkumbhagam,
Thripunithura : 682 301
3. Annamma Tomy Kutty,
W/o. Tommy Kutty Joseph,
Data Entry Officer 'C',
Area Accounts Officer (Navy),
V.T. Road, Perumanoor P.O.,
Thevara, Kochi - 15,
Residing at 52/1179,
Thekkumpurath House,
S.T.D. Convent Road, Konthuruthy,
Thevara P.O., Kochi - 13.

... Applicants.

(By Advocate Mr. P. Ramakrishnan)

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V e r s u s

1. Union of India represented by its Secretary, Ministry of Defence, South Block, New Delhi.
2. The Controller General, Defence Accounts, West Block, V.R.K. Puram, New Delhi.
3. The Controller of Defence Accounts (CDA), (Navy), No. 1 Couparage Road, Mumbai : 39.
4. The Joint Controller of Defence Accounts (JCDA), Area Accounts Office, (Navy) Kochi - 15 ... Respondents.

(By Advocate Mrs. K. Girija, ACGSC)

O R D E R
HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

There are three applicants in this O.A. who were initially appointed as Key Punch Operators (later redesignated as Data Entry Operator Grade A) under the respondents. They claim that they are entitled to the benefit of revised pay scale of Rs. 1350-2200 with effect from 1.1.1986 with all consequential benefits.

2. The IVth Pay Commission in its report vide paragraph 11.5 suggested that the Department of Electronics should examine and suggest the reorganisation of existing Electronic Data Processing posts and prescribe uniform pay scales and designations in consultation with the

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Department of Personnel. Pursuant to the said suggestion, a Committee was set up by the Department of Electronic in November, 1986. Based on the recommendations of the said Committee, the Ministry of Finance, Department of Expenditure vide its O.M. No. F.7(1)/1C/86(44) dated 11.9.1989 decided to introduce pay structure for Data Entry Operators as follows:

Post	Pay Scale	Remarks
D.E.O. Grade A	Rs.1150-1500	Entry grade for Hr. Secondary With knowledge of date entry Work.
D.E.O. Grade B	Rs.1350-2200	Entry grade for Graduates with Knowledge of Date Entry work.
D.E.O. Grade C	Rs. 1400-2300	Promotional Grade
D.E.O. Grade D	Rs. 1600-2600	Promotional Grade
D.E.O. Grade E	Rs. 2000-3500	Promotional Grade

3. In the said O.M. dated 11.9.1989 all Ministries/Departments having Electronic Data Processing post were directed to review the designation, pay scales and recruitment clarifications of their post and revise the same in consultation with the Financial Advisor to the extent necessary as per the structure as noted herein above. The Ministry of Finance, Department of Expenditure, clarified vide O.M. dated 12.1.1990 that revised pay scales of Electronic Data Processing posts would be operative with effect from 11.9.1989. The applicants' urged that though as per the decisions (A/1



and A/2 and also 2003 (3) ATJ 102) of various Benches of this Tribunal the said revised pay scale was granted to the similarly situated persons with effect from 1.1.1986, but in applicants' case the same has been denied vide A/4 dated 26.8.2002 stating that "Ministry of Defense (Finance) has decided to implement the judgements to the CAT applicants only". Aggrieved by this, the applicants have filed this OA, seeking following main reliefs:

- "(i) An order quashing/setting aside Annexure A4 in so far as it denies the benefit of the revised pay scale of Rs. 1350-2200 with effect from 1.1.1986 to the applicants.
- (ii) An order directing the respondents to grant the applicants the benefit of higher pay scale of Rs. 1350-2200 with effect from 1.1.1986 and all consequential benefits including arrears of pay.
- (iii) An order declaring that the applicants are entitled to draw the pay scale of Rs. 1350-2200 w.e.f. 1.1.1986 on par with Data Entry Operators in the Census Operations Department, Ministry of Home Affairs and Railway Administration."

4. The respondents have filed a detailed reply statement contending that the applicants who are working on different pay scales cannot claim for the benefits of uniform higher pay scale with effect from 1.1.1986. The first applicant is working as Data Entry Operator Grade 'B' in the scale of pay of Rs. 4500-7000 (pre-revised scale Rs. 1350-1800) and the applicants 2 and 3 are working in the pay scale of Rs. 4000-6000 (pre-revised Scale



Rs. 1150-1500). It was further averred that since the revised pay structure was made effective from 11.9.1989, pursuant to the acceptance of the recommendations of the Seshagiri Commission by the Government of India, the O.A. is time barred and the A3 representation is also much belated. The applicants cannot seek parity in pay based on the decision reported in 1993 ATC 42 Vol 23. In the said decision, the Hyderabad bench of the Tribunal has not held that the Data Entry Operators Grade 'A' and Data Entry Operators Grade 'B' are entitled to the same scale of pay. The only question which was considered therein was the effective date from which the Data Entry Operators in the scale 1350-2200 are entitled to the benefit of pay revision after the acceptance of the recommendations of the Sheshagiri Commission. In the said case, it was held by the Tribunal that the applicants therein are entitled to the scale of pay of Rs.1350-2200 with effect from 1.1.1986 instead of 11.09.1989. In O.A. No. 142/95 filed before the Jabalpur Bench of the Tribunal also, there was no direction (Order R1-b) to equate the pay scales of Data Entry Operators Grade 'A' and Grade 'B' in the Office of Controller General of Defence Accounts. In the decisions A1 and A2 produced by the applicants also, the Luck now Bench and the Bangalore Bench of this Tribunal held that the effect of pay revision is to be given with effect from 1.1.1986 instead of 11.9.1989 and that the case of the applicants therein was directed to be examined and consequential orders issued. None of the above decisions have laid down that Data Entry Operators Grade 'A'

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and Grade 'B' are entitled to same scale of pay.

5. We have given thoughtful consideration to the arguments advanced by the parties and also perused the material placed on record.

6. The short question arises for our consideration is whether the applicants are entitled to the benefit of the decisions of the various Benches of the Tribunal referred to above and if so, the same can be granted to the applicants. The applicants have made representations to grant the benefit of revised pay scale of Rs. 1350-2200 with effect from 1.1.1986 with all consequential benefits. Vide A/4 communication dated 26.8.2002, the applicants were informed that "*the Ministry of Defence (Finance) has decided to implement the judgements to the CAT applicants only.*" We find no other reasonable grounds in rejecting the claim of the applicants. This denial cannot be said to be in conformity with the dictum laid down by Hon'ble Supreme Court in catena of decisions that once a finding is recorded by Court/Tribunal, which are judgement in rem, the benefits of the same should be extended to all similarly situated officials and similarly situated officials should not be forced to approach the Court for the same relief. This should be done by the State as a model employer. Considering the said legal position and also recording the submissions of the learned counsel for the applicants that the applicants are similarly situated as that of the

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applicants in the OAs filed before the Jabalpur/Lucknow and Bangalore Benches of the Tribunal, we are of the view that the matter requires reconsideration by the respondents.

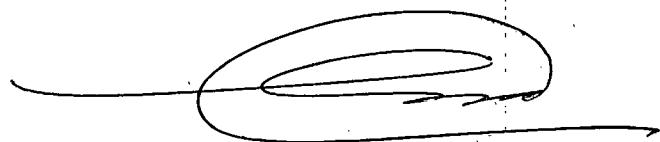
7. In the conspectus of the facts and circumstances of the case and the discussion made above, we quash the impugned letter A/4 dated 26.8.2002 and dispose of this application by directing the respondents to examine the case of the applicants and to extend the benefit of the judgements (supra) to them if the applicants are found similarly placed to that of the applicants before the Jabalpur/Lucknow and Bangalore Benches of the Tribunal (orders referred supra) with all consequential benefits to which they are found to be entitled within a period of three months from the date of receipt of a copy of this order.

8. There will be no order as to costs.

(Dated, the 7th day of December, 2005)

N.R.K.

N. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



K.V. SACHIDANANDAN
JUDICIAL MEMBER

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