

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 588/98

Monday this the 13th day of November, 2000.

CORAM

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

K.P.Koya
S/o Late U.Attakoya
Trained Graduate Teacher
Govt. High School, Kadamath
on deputation as Lecturer at J.N.College
Kadamath
residing at Koodathapade,
Agathi Island.

Applicant

By advocate Mr.M.R.Rajendran Nair

Versus

1. Union of India represented by
Secretary, Ministry of Human
Resources Development
Department of Education
New Delhi.
2. The Administrator
Union Territory of Lakshadweep
Kavarathi.

..Respondents

By advocate Mr. P.R.Ramachandra Menon

Application having been heard on 13th November, 2000,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

Applicant who has been working on deputation as lecturer in the J.N.College, Kadamath has filed this application for a declaration that he is entitled to be granted the scale of pay of Rs.2200-4000 on par with others similarly situated who were the petitioners in the proceedings before the Supreme Court, i.e. Annexure A-3 judgement in Civil Appeals Nos.3108 to 3183 of 1997 arising out of S.L.P.Nos 648 of 1990 and 6894 of 1994 and for a direction to the respondents to extent the benefit of A-3 judgement to him.

2. Respondents in their reply statement have contended

that the judgement of the Supreme Court relied on by the applicant not being declaratory in nature, but specific in the case of the parties before it, the benefit of the judgement cannot be extended to the applicant. This Tribunal has in an identical case as this one i.e. OA No. 1517/97 rejected the contention of the respondents and extended the benefit to the applicants in that case who were identically placed. We therefore do not find any reason not to follow the same principle in this case also.

3. In the result, following the ruling of the Supreme Court in Civil Appeals Nos 3108 to 3183 and the ruling of this Bench on an identical issue in OA No.1517/97, we declare that the applicant is entitled to the pay scale of Rs.2200-4000 with effect from the date of his appointment as Lecturer with consequential benefits and direct the respondents to give the applicant the benefits flowing from the above declaration within a period of three months from the date of receipt of the copy of this order. No order as to costs.

Dated 13th November, 2000.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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