

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.77/2001.

Tuesday this the 24th day of September, 2002.

CORAM:

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

1. Ajitha K, Data Entry Operator Gr.'B',
Computer Centre, Office of
the Commissioner of Income Tax,
Kowdiar, Thiruvananthapuram-695 003.
2. Subhalekshmy Ammal R, -do-
3. Nanda Kumar R. -do-
4. Suresh Kumar B, -do-
5. Sinimole V.R. -do-

(By Advocate Shri B.Raghunathan)

Vs.

1. Union of India represented by the
Secretary to Government,
Ministry of Finance,
Government of India, New Delhi.
2. Chairman,
Central Board of Direct Taxes,
New Delhi -110 001.
3. Director of Income Tax (Systems),
New Delhi -110 001.
4. Chief Commissioner of Income Tax,
Kochi-682 018.
5. Commissioner of Income Tax,
Thiruvananthapuram-695 003. Respondents

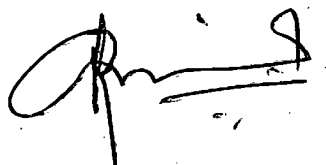
(By Advocate Ms.P.Vani, ACGSC)

The application having been heard on 24th September, 2002,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

The applicants five in number filed this O.A. aggrieved
by the non-grant of the pay scale of Rs.1350-2200 (pre-revised)



to them with effect from the date of entry in the service on the basis of A-3, A-4 of this Tribunal in O.A.30/97, and O.A.146/96 dated 8.9.99 and 23.10.97 respectively. They sought the following reliefs through this O.A.

- a) to issue an order or direction to the respondents to grant the scale of pay of Rs.1350-2200 (pre-revised) to the applicants with effect from the date of their joining duty as Data Entry Operators Gr.'B'.
- b) To issue an order or direction to the respondents to pay the arrears on fixation of salary in the scale of pay of Rs.1350-2200 and further to sanction the annual increments on that basis and disburse the salary accordingly;
- c) to grant such other reliefs the applicants may pray for and which this Hon'ble Tribunal deems fit and proper.

2. The main ground on which the applicant sought the reliefs is that, when on the basis of A-3 order of the Madras Bench of this Tribunal their counter parts in the Madras Region had been given the pay scale of Rs.1350-2000 and non-grant of the same to the applicants working in the Kerala region was discriminatory and violative of Article 14 and 16(1) of the Constitution.

3. In the reply statement filed by the respondents it had been stated that the 4th respondent referred the matter to the 2nd respondent and the decision of the 2nd respondent is awaited.

4. Heard the learned counsel of the parties. Learned counsel for the applicants cited A-3 order of the Madras Bench and A-4 order of this Bench of the Tribunal and submitted that the applicants are entitled for the reliefs sought. Learned counsel for the respondents submitted that as the matter had not yet been decided by the 2nd respondent, the 2nd respondent could be directed to consider the matter and take a decision thereon. On the basis of the submissions made by the learned counsel of the



parties and on a careful consideration of the rival pleadings, we are of the considered view that, before this Tribunal considers this matter on merit, it is necessary for the 2nd respondent to take a decision on this matter on the basis of the order of the Madras Bench of this Tribunal in A-3.

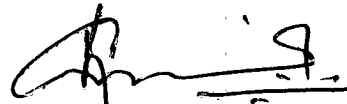
5. Accordingly, we direct the 2nd respondent to consider the matter regarding the grant of pay scale of Rs.1350-2200 to the applicants herein with effect from their respective dates of appointment keeping in view the orders of the various Benches of this Tribunal specifically the ones as in A-3 and A-4 in this O.A. within a period of three months from the date of receipt of a copy of this order.

6. Original Application stands disposed of as above with no order as to costs.

Dated the 24th September, 2002.



K.V.SACHIDANANDAN
JUDICIAL MEMBER



G.RAMAKRISHNAN
ADMINISTRATIVE MEMBER

A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of order F.No.23/ESTT/45/CC/2000-2001 dated 27.6.2000 of the 4th respondent.
2. A-2: True copy of representation dated 6.4.2000 of the 1st applicant to the 4th respondent.
3. A-3: True copy of order dated 8.9.99 in OA No.30 of 1997 of the Central Administrative Tribunal, Madras Bench.
4. A-4: True copy of order dated 23.10.97 in OA No.146 of 1996 of the Central Administrative Tribunal, Ernakulam Bench.
5. A-5: True copy of order C.No.27(3)Estt/94 (No.75/2000) dated 14.3.2000, of the Chief Commissioner of Income tax, Chennai.

Respondents' Annexures:

1. R-1: True copy of letter issued by the 2nd respondent dated 11.2.2000.

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