

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 103/91
~~XXXXXX~~

199

DATE OF DECISION 10-1-92

CG Sherif Ahmmad Koya
and others. Applicant (s)

M/s Sukumaran & Usha
Advocate for the Applicant (s)

Versus
Union of India rep. by its
Secretary to Government of Respondent (s)
India, Ministry of Home Affairs,
New Delhi and another.

Mr NN Sugunapalan, Sr CGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. NV Krishnan, Administrative Member
and

The Hon'ble Mr. N Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement? ✓
4. To be circulated to all Benches of the Tribunal? ✓

JUDGEMENT

Sh NV Krishnan, A.M

The five applicants are Village Extension Officers in the Union Territory of Lakshadweep. They are aggrieved by the fact that by a notification F No.1/41/88-Services(CC)(1) dated 12.7.90, the provisions of the Village Extension Officer in CD Block under Lakshadweep Administration Recruitment Rules, 1988 - 1988 Rules, for short - in so far as it concerns the pay scale applicable to the post of Village Extension Officer under these rules- viz Rs 1200 - 2040 - have been modified to Rs 975 -1540 in the case of Village Extension Officers appointed to this post on or after 30.10.74 and the payment of the revised pay scale of Rs 1200 -2040 is restricted to those who have been holding the post immediately prior to 30.10.74.

2 The 1st applicant was appointed by the Annexure A order and he joined duty on 5.12.77. The other applicants similarly joined duty on 15.10.87, 17.2.88, 26.2.88 and 18.2.88 respectively. By the Annexure G order dated 1.8.90 of the Respondent-2, the SDO, Androth has been informed that the pay scale of Rs 1200- 2040 is available only to persons who joined as Village Extension Officer prior to 30.10.84 only.

3 In the circumstance, the applicants have prayed for the following reliefs:

- "(a) to quash Annexure G & Annexure I as unconstitutional and violative of applicants' fundamental right under Article 14 and 16 of the Constitution;
- (b) to declare that Annexure-I has been issued without authority of law and therefore void.,
- (c) to issue a direction to respondents to grant the applicants No. 1 & 2 a scale of pay of Rs 1200 -2040 with effect from 15.12.1977 and 15.10.1977 respectively and to applicants 3 to 5 with effect from 17.2.1988, 26.2.1988 and 18.2.1988 respectively."

4 A similar application (OA 698/90) was filed by SH Mohammed Shaffi, a Village Extension Officer and that application was heard alongwith the ^{present} ~~transferred~~ application as the issues involved are identical.

5 We have passed an-order in OA 698/90 holding that the notification dated 12.7.90 effecting changes in the pay scale of the post of Village Extension Officer (vide Annexure-I of the present case) is discriminatory and we have already quashed that notification. There is no need, therefore, to quash the impugned Annexure-I notification again. The letter at Annexure-G alone, is therefore, quashed.

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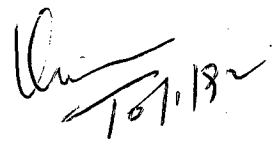
6 In the light of our decision in OA 698/90, we declare that the applicants are entitled to the pay scale prescribed for the post of Village Extension Officers by the Lakshadweep Administration Village Level Workers (Class III) and Block Attendant (Class IV) Recruitment Rules 1976. (Annexure D) for the period it was in force and to the pay scale prescribed in the 1988 Rules at Annexure-E for the period after these Rules came into force.

7 The respondents are, therefore, directed to give consequential benefits to the applicants within a period of two months from the date of receipt of this judgment.

8 There will be no order as to costs.


(N Dharmadan)
Judicial Member

10.1.92


(NV Krishnan)
Administrative Member

10.1.92