

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 133 of 2012

Monday, this the 30th day of September, 2013

CORAM:

Hon'ble Dr. K.B.S. Rajan, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

C.V. Raveendran, Accountant (Retd.),
 Government of India Tex Book Press,
 Siddarth Nagar PO, Mysore, Karnataka State,
 Aged 64, S/o. Late Sri C. Kumaran Nair,
 Chelakkot Vazhamannil, Sreelakshmi,
 Mankada PO, Malappuram District,
 Kerala – 679 324.

Applicant

(By Advocate – Mr. S. Radhakrishnan)

V e r s u s

1. Union of India, represented by the Secretary to the Government of India, Ministry of Urban Development And Poverty Alleviation, Nirman Bhavan, New Delhi-11.
2. The Secretary to Government of India, Ministry of Finance, Government of India, New Delhi-11.
3. Director of Printing, Directorate of Printing, B. Wing, Nirman Bhavan, New Delhi-11.
4. The Manager, Government of India Text Book Press, Siddarth Nagar PO, Mysore, Karnataka State – 570 011.

Respondents

(By Advocate – Mr. George Joseph, ACGSC)

This Original Application having been heard on 30.09.2013, the Tribunal on the same day delivered the following:

ORDER

By Hon'ble Dr. K.B.S. Rajan, Judicial Member-

 The applicant was serving as Accountant in the Government of India

Text Book Press, Mysore and availed of voluntary retirement in 2001 subsequent to his having met with a major road accident. By order dated 14.3.2011, Annexure A4 the respondents implemented the judgment of the Central Administrative Tribunal of the Principal Bench in OA No. 1905 of 2008 relating to pay scale of Accountant with effect from 1.1.1996. However, the benefits were confined only to the applicants in that OA. The applicant vide Annexure A12 letter dated 11.10.2011 addressed a communication to the Director, Directorate of Printing, New Delhi stating that as many as 37 Accountants junior to him have been granted higher pay scale of Rs. 5500-9000/- with effect from 1.1.1996 and has requested for extension of the said benefits to him as well. In response thereto the applicant was informed that as per Annexure A4 of the OA issued by the Ministry of Urban Development, the benefit of the judgment in OA No. 1905 of 2008 would be confined only to the applicants therein and thus is rejected.

Hence, this application seeking the following reliefs:-

- “a) call for the records connected with the case;
- b) Declare that the applicant is identically situated as that of the Accountants covered in Annexure A2 & A3 order for the grant of the scale of pay of Rs. 5500-9000/- w.e.f. 1.1.1996.
- c) Direct the respondents to extend the benefits granted on the basis of orders passed by this Hon'ble Tribunal to non-applicants like the applicant, who are identically situated.
- d) Direct the respondents to issue orders placing the applicant, who was working in the PSP Department as an Accountant in the scale of pay of Rs. 5500-9000 with effect from 1.1.1996 with all consequential benefits.
- e) Direct the respondents to re-fix all the retirement benefits and pensionary benefits of the applicant in the light of re-fixation of salary.
- f) Direct the respondents to pay the costs of these proceedings.”



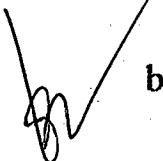
2. The respondents have contested the OA. They have maintained that the applicant was not a party to the Original Application No. 1905 of 2008 or another one i.e. OA 997 of 2001. They have further stated that the post of Accountant in the Department is a feeder post for promotion to the post of Superintendent in the then pay scale of Rs. 5500-9000/- which was a supervisory post. There is a distinction between common category of Accountants working in various departments including the Printing Stationery and Publication Department to which the applicant belongs and the Accountants working in the organized Accounts cadre. Therefore, as a matter of fact, the decision of the Hon'ble Courts were implemented limiting the benefits only to the applicant therein as per the extant policy of the Government. The post of Accountant in the Department of Printing Stationery and Publication is filled by promotion through departmental competitive examination limited to clerical cadre post and the applicant was appointed to the post after he had qualified the said examination. The respondents have contended that the post of Accountant which the applicant was holding does not belong to in the organized accounts cadre.

3. The counsel for the applicant invited attention to the decision of the Principal Bench of the Tribunal in OA No. 3644 of 2011 which is said to be identical in all respects with that of the applicant herein. In the said OA the applicants were aggrieved as they have not been granted the pay scales of Accountant in the pay scale of Rs. 5500-9000/- with effect from 1.1.1996 and the Accountant's pay scales under the VIth Pay Commission thereafter. They were all working as Accountant in various Government of India



Presses, Director Printing, Government of India Stationery Office/Regional Stationery Depots, Department of Publication located in different parts of the Country. The Tribunal in that OA has referred to OA No. 997 of 2001 of the Ernakulam Bench filed by two Accountants in the Government of India Presses, Trichur in which, by order dated 2.12.2002 the Tribunal had recorded "from the material placed on record, we are convinced that Accountants in the Department of Printing, Stationery and Publication (PSP) under the Ministry of Urban Development do exercise supervisory functions and we declare that the post of Accountants are supervisory in nature." The Principal Bench also have stated that the aforesaid order of the Ernakulam Bench was finally taken up before the High Court of Kerala at Ernakulam in Writ Petition No. 19797 of 2003 which upheld the order of the Tribunal. Undaunted by the failure in succeeding in the said Writ Petition, the respondents had moved the matter before the Apex Court in SLP (Civil) No. 20280 of 2006 which came to be dismissed on 13.8.2007 without any order on merits but on limitation. During the pendency of the SLP the respondents issued order dated 15.6.2006 granting the pay of Rs. 5500-9000/- to the aforesaid two applicants in OA No. 997 of 2001 and since they had refused to extend the benefits to others, OA No. 1905 of 2008 was filed before the Principal Bench by certain applicants for extending the said benefits to them. The Bench had passed the following order:-

"Through this OA applicants have impugned respondents order dated 1.7.2008 whereby the decision of the Tribunal has not been extended to the applicants being non-applicants in the OA of which relief has been sought to be extended.

 This is not the ground apt in law to deny the extension of the benefits of a decision and is in violation of the Apex Court dicta in

Promotee Telecom Engineers Forum & Ors. Vs. D.S. Mathur, Secretary, Department of Telecommunications, [2008 (4) Scale 815].

In the above view of the matter, as we find that the pay scale now sought has already been accorded to the similar circumstances in C.N.G Pillai & Anr. Vs. Union of India & Ors. (OA/997/2001) decided on 2.12.2002 applicants herein in all fours, are covered by the above ratio."

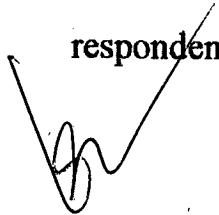
4. The respondents Union of India went in Writ Petition No. 2824 of 2010, the said Writ Petition was dismissed on 27.4.2010.
5. Thereafter also the decision was not implemented in respect of all the Accountants but was confined to the applicants in that Original Application No. 1905 of 2008.
6. In OA No. 3644 of 2011 all the above facts have been brought and the Principal Bench had allowed the OA stating that the applicants' therein have crystallized in their favour, to allow them to claim parity with the cases of other 37 persons who have already been given the higher pay scale.
7. The counsel for the applicant has referred to a number of decisions wherein it has been held by the Apex Court that when a judgment has been passed in rem the same applies equally to similarly situated persons irrespective to whether they have approached the Court or not. The counsel has also referred to paragraph 126.5 of the Vth Pay Commission recommendations. He has also referred to the seniority list to show that those who were granted the higher pay scale were also his juniors.
8. Arguments were heard and documents perused. The main facts are not denied in this case. All that the respondents have contended vide paragraph

18 of the counter is that the applicant was not a party before the proceedings earlier. They have advanced a reasoning in paragraph 18 which is as under:-

“18. With regard to the contention raised in para 4.20 of the OA., it is submitted that the applicant herein has not moved any application before this Tribunal or before any other Benches of the Tribunal earlier with a prayer for the grant of pay scale of Rs. 5500-9000 to him w.e.f. 1.1.1996. Also, he was not a party to any application praying for similar relief already disposed of by the tribunal. It is true that as per extant policy, the benefit of decisions/orders of the Hon'ble Court/Tribunal has been extended only to the applicants, because as per general policy the benefit of the Court judgment which are implemented not on merit but since no legal course is available, is restricted to the applicants only. Therefore, it was decided to extend the benefit to the applicants only. Hence, some Accountants of the Department might have been granted the pay scale of Rs. 5500-9000. It has been submitted already that the tribunal/Court failed to appreciate the difference between the Accountants of the organized Accounts cadre who are entitled to be placed in the pay scale of Rs. 5500-9000 and the Accountants working in other Departments of the Government who are eligible to be placed in the pay scale of Rs. 4500-7000 and that Accountant in the PSP Department under the Ministry of Urban Development is the feeder post of promotion to the post of Superintendent which is a supervisory post carrying the pay scale of Rs. 5500-9000 in the department. Therefore, the applicant already placed in the higher pay scale of Rs. 4500-7000/- w.e.f. 1.1.1996 as per the 5th Central Pay Commission scales cannot claim the pay scale of Rs. 5500-9000 which is available to a still higher post to which he was also eligible to be considered for promotion in his due turn. This being the fact, the reply given to the applicant against his representation vide annexure A5 is proper and just and liable to be sustained by this Hon'ble Tribunal.”

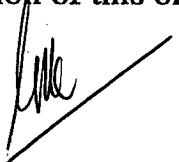
9. The above contention is untenable since the applicant's claim is based on juniors drawing more pay than the senior and extension of the benefits of court order when the applicant is similarly situated.

10. In view of the above and the decision in OA No. 3644 of 2011 of the Principal Bench we have no hesitation to hold that the applicant is similarly situated as those in OA No. 997 of 2001 and also OA No. 1905 of 2008. The respondents are duty bound to extend the benefit of the said judgments in the



case of the applicant also.

11. The applicant already stood retired in 2001 and as such the financial benefits by virtue of increase of pay and allowances will be with effect from 1.1.1996 to 2001 and corresponding increase in pension and other terminal benefits would also be payable to the applicant. Accordingly, the Original Application is allowed. The respondents are directed (a) to work out the arrears of difference of pay and allowances from 1.1.1996 till the date of retirement in 2001, (b) thereafter work out difference in terminal benefits, pension, payable to the applicant, (c) make the payment of arrears with a due and drawn statement, and (d) issue necessary revised PPO. All the above should be completed within a period of six months from the date of communication of this order. No costs.


(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER


(DR. K.B.S. RAJAN)
JUDICIAL MEMBER

“SA”

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Contempt Petition No.180/00081/2014 in
Original Applicaton No.133/2012

Monday this the 5th day of January 2015

C O R A M :

**HON'BLE Mr.U.SARATHCHANDRAN, JUDICIAL MEMBER
HON'BLE Mr.RUDHRA GANGADHARAN, ADMINISTRATIVE MEMBER**

C.V.Raveendran,
S/o.late Sri.C.Kumaran Nair,
Accountant (Retd.),
Government of India Text Book Press,
Siddarth Nagar P.O., Mysore, Karnataka State.
Residing at Chelakkot Vazhamannil,
Sreelakshmi, Mankada P.O.,
Malappuram District, Kerala – 679 324.

...Petitioner

(By Advocate Mr.S.Radhakrishnan)

V e r s u s .

1. Mr.Arun Kumar Sinha,
Director of Printing,
Directorate of Printing,
B.Wing, Nirman Bhavan, New Delhi – 11.

2. T.Raveendran,
S/o.late M.Theerthanandan,
Manager Government of India Press,
Coimbatore, Holding the charge of the Manager,
Government of India Text Book Press,
Siddarth Nagar P.O., Mysore,
Karnataka State – 570 011.

...Respondents

(By Advocate Mr.George Joseph,ACGSC)

This application having been heard on 5th January 2015 this
Tribunal on the same day delivered the following :



.2.

ORDER

HON'BLE Mr.U.SARATHCHANDRAN, JUDICIAL MEMBER

Learned counsel for the petitioner submitted that he is yet to receive the Pension Payment Order. He further submitted that his bank has received payment relating to arrears of revised pension. He prays for a direction to the respondents to issue a copy of the revised P.P.O to the petitioner. Accordingly, the Contempt Petition is closed with a direction to the respondents to issue a copy of the revised P.P.O to the petitioner at the earliest. Notices shall stand discharged.

(Dated this the 5th day of January 2015)



**RUDHRA GANGADHARAN
ADMINISTRATIVE MEMBER**



**U.SARATHCHANDRAN
JUDICIAL MEMBER**

asp