

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.146/96

Thursday, this the 23rd day of October, 1997.

CORAM:

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

HON'BLE MR SK GHOSAL, ADMINISTRATIVE MEMBER

1. B Sahadevan, Junior Supervisor,
Directorate of Census Operations,
Kerala, Thiruvananthapuram-
695 003.
2. Kuraisha Beevi, -do-
Senior Supervisor,
3. S Harihara Iyer, -do-
Junior Supervisor,
4. T Sarojini Amma -do-
5. P Sasidharan Nair -do-
6. G Balachandran Nair -do-
7. S.R.Ponnamma -do-
8. KN Jaiprakash -do-
9. D Padmavathi Amma -do-
10. D Padmanabhan -do-
11. PC Annamma
Data Entry Operator Grade 'B' -do-
12. A.V.Varghese -do-
13. G Gopakumar -do-
14. AK Sachidhanandan Pillai -do-
15. P Bhagavathy Lakshmi -do-
16. PA Usha -do-
17. AS Ambika -do-
18. G Rajeswary Amma -do-
19. VT Kanakamma -do-
20. S Usha Kumari -do- - Applicants

21. MB Indira Devi,
Data Entry Operators Grade 'B', Directorate of
Census Operations,
Kerala,
Thiruvananthapuram-
695 003.

22. V Ratnavally -do-

23. TS Rajalakshmy -do-

24. KE Sumathy,
Junior Supervisor -do-

25. K Santhakumari,
Data Entry Operator Grade 'B' -do- - Applicants

By Advocate Mr B Raghunathan

Vs

1. Union of India represented by
the Secretary to Government,
Ministry of Home Affairs,
Government of India,
New Delhi.

2. Secretary to Government,
Ministry of Finance,
Government of India,
New Delhi.

3. Registrar General,
India Census,
2-A, Man Singh Road,
New Delhi-110 011. - Respondents

4. Director of Census Operations,
Kerala, Thiruvananthapuram-695 003. - Respondents

By Advocate Mr TPM Ibrahim Khan, SCGSC

The application having been heard on 23.10.97 the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

Applicants are employees working under the administrative control of the 3rd and 4th respondents. Applicants 1,3,4,5,6,8,9 and 24 on promotion are working as Junior Supervisors and applicants 11 to 23 and 25 as Data Entry

Operators Grade 'B'. The IVth Central Pay Commission recommended the scale of pay of Rs.1350-2200 and Rs.1200-2040 with effect from 1.1.86 to the Electronic Data Processing Operators under the Railway Administration and the Data Entry Operators under the third respondent respectively. The respondents accepted the recommendation of the IVth Central Pay Commission and was made applicable with effect from 1.1.86. Since certain anomalies were there in the Pay Commission report, another Committee was appointed by the first respondent to enquire into the matter and submit a report. The said Committee recommended the scale of Rs.1350-2200 to Data Entry Operators working under the 3rd and 4th respondents. The said recommendation was accepted by the respondents. However, the applicants and those similarly situated were not given the scale of pay of Rs.1350-2200 with effect from 1.1.86, instead they were given the scale of Rs.1200-2040 till 11.9.89. Data Entry Operators in different regions, aggrieved by the refusal to grant the scale of Rs.1350-2200 with effect from 1.1.86 moved Hyderabad, Cuttack and Lucknow Benches of this Tribunal and those Benches held that the applicants therein are entitled to get the scale of pay of Rs.1350-2200 with effect from 1.1.86. The applicants being similarly situated in every respect, the applicants say that they are also entitled to get the same benefit from the same date.

2. Hence the applicants pray for a direction to the respondents to grant them the scale of Rs.1350-2200 with

effect from 1.1.86 with further fixation on the same on
sanctioning annual increments and disburse the arrears.

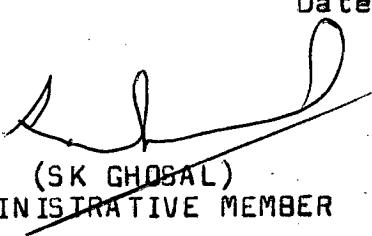
3. In the reply statement, respondents say that as per order dated 11.9.90 issued by the third respondent, the applicants are entitled to the scale of pay of Rs.1350-2200 only with effect from 11.9.89.

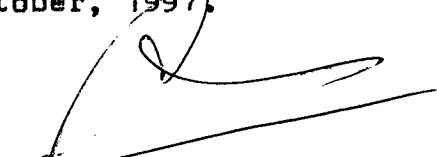
4. A-1 is the copy of the order in O.A.957/90 before the Hyderabad Bench of this Tribunal. The very same question was involved there and after considering the question at length, it has been held therein that the applicants therein are entitled to the scale of pay of Rs.1350-2200 with effect from 1.1.86 and the respondents were directed to pay accordingly including arrears. Against the said order the respondents took up the matter before the Apex Court by way of filing an SLP and by A-2 order the SLP was dismissed. From A-4 order dated 12.5.95 issued by the Ministry of Home Affairs, Government of India, it is seen that the scale of Rs.1350-2200 with effect from 1.1.86 was granted to the applicants in A-1, them also granting/annual increments from the respective dates. R4(A) dated 26.4.96 issued by the Ministry of Home Affairs, Government of India. There it is stated that the Ministry of Finance have agreed to extend the benefit of pay revision with effect from 1.1.86 only to those Data Entry Operators

who were applicants in the O.As covered by the SLP decided by the Supreme Court and not to others. The stand taken by the Ministry of Home Affairs, Government of India in R4(A) cannot be justified. It is not proper to restrict it only to those who were applicants in A-1 O.A. but it should be extended to all those who are similarly placed. Even going by the stand of the respondents as per A-4, now the applicants have come up before this Bench of the Tribunal with this O.A. and they are definitely entitled to get the reliefs prayed for in the light of the order in A-1 which has become final.

5. Accordingly the O.A. is allowed and the respondents are directed to grant the scale of pay of Rs.1350-2200 to the applicants with effect from 1.1.86 to 10.9.89 in accordance with the rules and regulations. After fixing the pay of the applicants in the scale of Rs.1350-2200 with effect from 1.1.86 the respondents shall also sanction annual increments due to them on the respective dates. Respondents shall pay the arrears due to the applicants within a period of three months from the date of receipt of a copy of this order. No costs.

Dated, the 23rd October, 1997.


(SK GHOSAL)
ADMINISTRATIVE MEMBER


(AM SIVADAS)
JUDICIAL MEMBER

LIST OF ANNEXURES

1. Annexure A1: Judgement dt. 9.7.1992 in O.A. No.957 of 1990 of the Central Administrative Tribunal, Hyderabad Bench.
2. Annexure A2: True copy of order in SLP (C) No.16533 of 1993 dated 5.12.1994 of the Hon'ble Supreme Court of India.
3. Annexure A4: Order No.A.11014/1/93-Estt. dated 12.5.1995 of the Directorate of Census Operations, Andhra Pradesh.
4. Annexure R4(A): Letter No.18/9/96-Ad.II dt. 26.4.96 of the 2nd Respondent.

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