

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.186/2001

Dated Monday this the 6th day of March, 2003.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

Mohammed Kasim P.
Lecturer in History
M.G.College, Androth
Union Territory of Lakshadweep.

Applicant

(By advocate Mr.V.D.Balakrishna Kartha)

Versus

1. The Administrator
Union Territory of Lakshadweep
Kavarathi.

2. The Director of Education
Kavarathi, U.T.of Lakshadweep.

3. Union of India represented by
Secretary to Government of India
Ministry of Human Resources Development
Department of Education
New Delhi.

Respondents

(By advocate Mr.S.Radhakrishnan for R1&2)
(By Mr.T.C.Krishna, ACGSC for R3)

The application having been heard on 6th March, 2003, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant who was working in the leave vacancy of one P.R.Swaminathan as a Lecturer in History in the Mahatma Gandhi College, Androth is aggrieved that he is not being given the pay scale of Rs.2200-4000 (revised scale Rs.8000-13500) on par with Lecturers similarly situated like him. When the said pay scale was denied to Lecturers working in the colleges of Lakshadweep, they approached the Hon'ble High Court of Kerala in O.P.No.2062/80(A). The Hon'ble High Court allowed their claim. The Hon'ble Supreme Court upheld the claim of the Lecturers for the pay scale. In Civil Appeal No.913 of 1987 the Hon'ble Supreme Court directed that the pay scale of Rs.2200-4000 be

given to Junior Lecturers with effect from 1.1.86. Claims of similarly situated persons were allowed by this Tribunal in OA No.1517/97 and OA No.398/99. The directions contained in those orders were implemented by the respondents. Since the applicant was also similarly situated and was working as a Lecturer, he preferred a claim for parity in scale. Since his representation was not considered and disposed of, the applicant approached this Tribunal filing OA No.841/2000. That application was disposed of, on agreement of the parties, with a direction to the respondents to consider the applicant's representation and pass appropriate orders. In obedience to the above directions, the impugned order A-7 dated 14.1.2001 was issued turning down the claim of the applicant on the ground that the benefit of the judgement of the Hon'ble Supreme Court would be available only to the parties in those cases and the applicant not being a party was not entitled to the benefit. Aggrieved, the applicant has filed this application.

2. Respondents resist the claim of the applicant mainly on the ground that the applicant was not a party before the Hon'ble Supreme Court. It is also contended that the applicant was appointed only in a leave vacancy and he did not undergo the intensive orientation course within his probation period.

3. On a perusal of the pleadings and the material placed on record, and on hearing the learned counsel on either side, we find that there is no justification for the respondents to deny to the applicant the benefit given to persons similarly situated like him. It is not disputed that junior lecturers in Mahatma Gandhi College, Androth were given the pay scale of Rs.

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2200-4000 (pre-revised). It is also not disputed that the applicant was also a junior lecturer identically situated. That he did not undergo the intensive orientation course is no justification to deny the scale which others are getting. Under the circumstances, we reject the contention of the respondents.

4. In the light of what is stated above, this application is allowed. The impugned order A-7 is set aside, declaring that the applicant is also entitled to the scale of Rs.2200-4000 (Revised Scale Rs.8000-13500). We direct the respondents to grant the applicant pay in the said scale for the period he continued in the post of Junior Lecturer. The above direction shall be complied with and the monetary benefits made available to him as expeditiously as possible at any rate within a period of 3 months from the date of receipt of the copy of this order.

Dated 6th March, 2003.



T.N.T.NAYAR
ADMINISTRATIVE MEMBER

aa.



A.V.HARIDASAN
VICE CHAIRMAN