

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.204/2001.

Friday this the 25th day of October 2002.

CORAM:

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

Sandoshkumar K.A.,
Data Entry Operator Gr.B.,
Office of the Commissioner of Incometax,
Cochin-18. Applicant

(By Advocate Shri P.Balakrishnan)

Vs.

1. The Chief Commissioner of Income Tax,
CR Building, I.S.Press Road,
Cochin-18.
2. The Director of Incometax (Systems),
Aiwan-e-Ghalib, Matha Sundri Lane,,
New Delhi-110002.
3. The Secretary, Central Board of
Direct Taxes, North Block,
New Delhi.
4. Union of India represented by the
Secretary, Ministry of Finance,
New Delhi. Respondents

(By Advocate Shri K.R.Rajkumar, ACGSC)

The application having been heard on 25th October, 2002, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

The applicant is a Graduate Data Entry Operator Gr.B, attached to the office of the first respondent. The applicant's case is that in terms of A-2 O.M. dated 11.9.89 he was entitled to the scale of Rs.1350-2200 at the entry grade of Data Entry Operator Gr.B in view of his being a Degree holder with knowledge of data entry work. His representation dated 1.3.2000 (A3) for grant of the said scale in the light of this Tribunal's order in O.A.146/96 dated 23.10.97 granting identical claim to Data Entry

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Operators of Directorate of Census Operations was turned down by the first respondent as per order dated 27.6.2000 (A1). Hence this O.A. The main reliefs sought for are as follows:

a) To issue an order or direction to the Ist respondent to grant the scale of pay of Rs.1350-2200 as Data Entry Operator Grade B with effect from 13.7.1989 to the applicant and to quash Annexure A1 memorandum to the extent of the direction to the effect that the benefits as per decisions of the Central Administrative Tribunal, Madras/Ernakulam Bench cannot be extended to the applicant.

b) to issue order or direction to the Ist respondent to effect the pay fixation of the applicant under the Central Civil Service (Revised Pay) Rules, 1997, grant all benefits thereunder and permit the applicant to file fresh option under the said rules.

c) to direct the first respondent to draw and disburse the consequential arrears of pay and allowances within such period as this Hon'ble Tribunal may deem fit.

2. The respondents have not filed any reply statement in spite of sufficient opportunities having been granted in that regard.

3. We have heard Shri P.Balakrishnan, learned counsel for the applicant and Shri K.R.Rajkumar, learned ACGSC appearing for the respondents. Learned counsel for the applicant has invited our attention to the orders of the Madras Bench of this Tribunal in O.A.30/97(A4) dated 8.9.99 and the Ernakulam Bench in O.A.146/96 dated 23.10.97 (A5) where similar claim of Graduate Data Entry Operators was upheld and fixation of pay in the scale of Rs.1350-2200 was allowed. Learned counsel would urge that since the applicant being a graduate, entered service as Data Entry Operator on 13.7.89, he would be entitled to the scale of 1350-2200 as admissible for Data Entry Operators Grade B in accordance with the recommendations of the Fourth Central Pay Commission and as upheld by the CAT, Madras and Ernakulam Benches.

4. Shri Rajkumar, learned ACGSC has pointed out that the matter is under consideration of the Central Board of Direct Taxes and therefore, it would be advisable if the Central Board of Direct Taxes is directed to finalise the matter as early as possible. In this regard, the learned counsel invited our attention to an order of the coordinate Bench of this Tribunal in O.A.77/2001 dated 24.9.2002 where orders to similar effect have been passed.

5. We have considered the facts of the case. We find that the applicant entered service as Data Entry Operator on 13.7.89 with basic educational qualification of Graduation to his credit and that, in accordance with the recommendation of the Fourth Central Pay Commission, Graduate Data Entry Operator Grade B would be entitled to the entry grade pay scale of Rs.1350-2200. This scale would also be allowed to Data Entry Operator Grade-A on promotion to Grade B. The applicant's case is that he, being a graduate entered service as Data Entry Operator and that therefore he should be entitled to the entry grade scale of Rs.1350-2200. We find this claim perfectly in order. We notice that similar claim has been upheld by the Madras Bench of this Tribunal in O.A.30/97 and the Ernakulam Bench itself in O.A.146/96.

6. We are in respectful agreement with the above orders. With regard to the order of the coordinate Bench of this Tribunal cited by the ACGSC (O.A.77/2001), we find that the distinction as far as this case is concerned, is that a representation of the applicant has been specifically considered and rejected which gave rise to the impugned order and accordingly we find that, it is feasible to have a final view in the matter on merit. We, therefore, dispose of this application

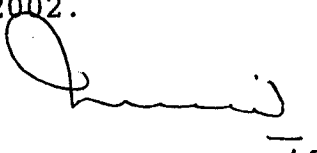
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by directing the 3rd respondent to grant the applicant the entry grade scale of 1350-2200 since he entered service as a Graduate Data Entry Operator Grade-B. He is, therefore, entitled to the benefit with effect from the date of joining the service. The applicant shall be entitled to all the consequential benefits. The respondents are directed to grant the applicant all the benefits as early as possible and, at any rate, within a period of two months from the date of receipt of a copy of this order. There is no order as to costs.

Dated the 25th October, 2002.



K.V.SACHIDANANDAN
JUDICIAL MEMBER



T.N.T.NAYAR
ADMINISTRATIVE MEMBER

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A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of memorandum F.No.23/Estt/45-CC/2000-2001 dated 27.6.2000 of the 1st respondent.
2. A-2: True copy of the letter F.No.1/76/89-DIT(S), dated 28.9.1989 forwarding OM F.7(1)/IC/86 (44) dated 11.9.1989 of the Ministry of Finance, Department of Expenditure, Implementation Cell.
3. A-3: Representation dated 1.3.2000 from the applicant addressed to the 1st respondent.
4. A-4: Order dated 8.9.1999 in OA No.30 of 97 of the Central Administrative Tribunal, Madras Bench.
5. A-5: Order dated 23.10.97 in OA No.146 of 96 the Central Administrative Tribunal, Ernakulam Bench.

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7