

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 360
T.A. No. 1991

DATE OF DECISION 29.6.92

S. P. Gopakumar _____ Applicant (s)

Mr. M.R. Rajendran Nair _____ Advocate for the Applicant (s)

Versus

Union of India represented by Respondent (s)
Secretary, Ministry of Information & Broadcasting
New Delhi and another

Mr. P. Sankarankutty Nair, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P. S. HABEEB MOHAMED, ADMINISTRATIVE MEMBER

The Hon'ble Mr. N. DHARMADAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

MR. N. DHARMADAN, JUDICIAL MEMBER

The applicant is working as Field Exhibition Officer, Grade-III of Central Information Service w.e.f. though 3.11.1967. The applicant submitted that this post was included in the Central Information Service, subsequent to the joining of the applicant in the post, the post was taken out of the CIS. Thereafter, the applicant claimed induction in the CIS cadre and also higher scale of pay w.e.f. the original date of appointment. When this was not granted, the applicant filed this application under section 19 of the Administrative Tribunals' Act with the following reliefs:

"i) to direct the respondents to include the applicant as officer in the Grade-IV of CIS with effect from 3.11.67 and give him notional promotion on the basis of that basis and to give him appropriate posting.

ii) Grant such other reliefs as may be prayed for and the Tribunal may deem fit to grant and

iii) grant the cost of this O.A."

2. When the case came up for final hearing today, the learned counsel for the applicant submitted that identical question was considered by the Madras Bench of the Tribunal in O.A. 44/89 and 514/89 filed by one Venkatesan and similarly situated person. ~~That cases were~~ disposed of as per judgment dated 4.4.91. In that judgment, the Tribunal directed the respondents to fix the seniority of the applicants in Grade-III of CIS for the re-induced posts and ^{44/89} needs to be considered afresh by the respondents in consultation with the UPSC. He has also brought to our notice another judgment by the same Bench in O.A. 1001/89 in which a similarly situated person approached the Tribunal for getting the benefit of the judgment in O.A. 44/89 and 514/89. The Tribunal granted similar benefits to the applicant also. Thereafter, a review application has been filed in O.A. 1001/89 by the Union of India, the respondents contending that the applicants therein are not similarly situated persons because they joined originally in 1967 as Field Exhibition Assistants and hence they are not entitled to the benefit of the judgment referred to in O.A. 44/89 and 514/89. The Tribunal clarified the position and held that the applicants in O.A. 44/89 and 514/89 and 1001/89 are similarly situated persons and the contention of the ^{was rejected with} respondents ^{44/89} cannot be sustained.

3. However, the learned counsel for the applicant submitted that he is entitled to the benefit of the judgment rendered by the Madras Bench of the Tribunal in the O.As referred to above.

4. The learned counsel for the respondents brought to our notice para 5 of the addl. reply statement and contended that the applicant is not similarly situated like the applicants in O.A. 44/89 and other cases because he was working only as a Field Exhibition Assistant and not Field Exhibition Officer as contended by the applicant.

5. The learned counsel for the applicant denied this statement and contended that the judgment of the Madras Tribunal *6. In facts* applies in his case also.

6. This is a matter which requires a decision by the respondents taking into consideration the observation and findings referred to above by the Madras Bench.

7. The applicant will be satisfied if this application is disposed of with a direction to the Government of India that the Govt. may take a decision in this matter as expeditiously as possible. The learned counsel also submitted that it may be made clear that if the applicant is aggrieved by the outcome of the decision of the Govt., he may be given liberty to approach appropriate forum for redressal of his grievances.

8. Accordingly, after hearing the parties, we are satisfied that this application can be disposed of with direction to the respondents to decide whether the applicant can be given the benefit of the judgments of the Madras Tribunal referred to above. *Accordingly*, we do so. This shall be done by the respondents within a period of two months from the date of receipt of a copy of this judgment.

9. The application is disposed of as above. There will be no order as to costs.

N. Dharmadan
(N. Dharmadan)
Judicial Member

P.S. Habeeb Mohamed
(P.S. Habeeb Mohamed)
Administrative Member