

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. No. 398/99

Wednesday, this the 7th day of July, 1999.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

HON'BLE MR BN BAHADUR, ADMINISTRATIVE MEMBER

R. Muthuraj,  
Lecturer, Business & Commerce,  
Pandit and Sunder Lal Sharma Central  
Institute of Vocational Education,  
131, Zone II, M.P. Nagar, Bhopal - 11.

...Applicant

By Advocate Mr. Shafik M.A.

Vs.

1. Union of India, represented by Secretary,  
Ministry of Human Resources Development,  
(Department of Education), New Delhi.
2. The Administrator,  
Union Territory of Lakshadweep,  
Kavaratti.

...Respondents

By Advocate Mr. Thomas Mathew Nellimoottil

The application having been heard on 7.7.99, the  
Tribunal on the same day delivered the following:

ORDER

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

The applicant is aggrieved that the respondents have discriminated against him in the matter of grant of pay scale which was given to all similarly situated pursuant to the orders of the High Court which was confirmed by the Supreme Court in C.A. Nos. 3108/97 & 3109/97 and Writ Petition No. 277/94. The applicant had made a representation to the first respondent seeking the relief on 6.3.98. As there was no response to this representation also, he has

filed this application seeking the following reliefs:

- (i) To declare that the applicant is entitled to the scale of pay enumerated in Annexure A-4 for the relevant periods as has been given to his erstwhile colleagues;
- (ii) To direct the respondents to refix the pay and allowances of the applicant also as per Annexure A-4 and to disburse the arrears immediately with 12% interest;
- (iii) To direct the respondents to dispose of Annexures A-3 & A-5 representations immediately;
- (iv) To pass any other order or direction as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case;
- (v) To award costs of this proceedings.

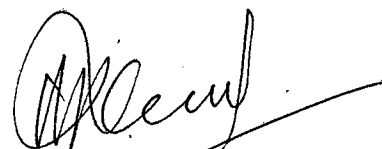
2. When the application came up for hearing on admission, the counsel on either side agreed that the application may be disposed of directing the first respondent to consider the representation submitted by the applicant on 6.3.98 (Annexure A-5) in the light of Annexure A-4 order and give the applicant, a speaking order within three months and with a further direction that if on such consideration, the applicant is entitled to the benefit, the monetary benefits flowing therefrom shall be made available to him within a period of two months thereafter. In the light of the above submission by the learned counsel on either side, the application is disposed of directing the first respondent to give the applicant, a speaking order on his representation (Annexure A-5) in the light of Annexure A-4 order within a period of three months from the date of receipt of a copy

of this order and that if the applicant is found to be entitled to the benefit claimed, the monetary benefits flowing therefrom shall be made available to him within a period of two months thereafter. No costs.

Dated this the 7th day of July, 1999.



~~B.N. BAHADUR~~  
ADMINISTRATIVE MEMBER



A.V. HARIDASAN  
VICE CHAIRMAN

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LIST OF ANNEXURES REFERRED TO IN THIS ORDER

1. Annexure A-3:

True copy of the representation dated 21.7.97 submitted by the applicant before the 2nd respondent.

2. Annexure A-4:

True copy of the order F.No.18/1/94-Edn.Vol.II dated 26.2.98 of the 2nd respondent.

3. Annexure A-5:

True copy of the representation dated 6.3.98 submitted by the applicant before the first respondent.