

1/25.01.96

Hon'ble Mr. N.Sahu, Member (A)

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In this application the relief prayed is grant of pay-scale of group 'C' as per the recommendations of the 4th Central Pay Commission w.e.f. 01.01.1986. Most specifically, the respondents are directed to refix the pay-scale of petitioners in the pay-scale of 975-1540/- instead of 800-1150/- w.e.f. 01.01.1986. It is submitted before me at the time of hearing that this point has already been covered by the decision<sup>s</sup> of the Cuttack Bench in O.A. 177/94, read with M.A. 113/94. The order of the Cuttack Bench is dated 11.08.1994. The Cuttack Bench directed the respondents to give the pay-scale of Rs. 975-1540/- to the applicants w.e.f. 01.01.1986. The learned counsel has also brought to my notice the decision of the Jaipur Bench which is Annexure-7 in O.A. 494/95 dtd. 30.10.1995. Following the decision of the Cuttack Bench, the Vice-Chairman in a Division Bench have directed the respondents to decide the representation of the applicant, keeping in view of the order of the Cuttack Bench of the Tribunal referred to above.

2. Learned Counsel Shri S.K.Bariar also submits that the Review Petition against the order of the Cuttack Bench has been dismissed vide Annexure-4/F and SLP filed before the Hon'ble Supreme Court has also been dismissed vide Annexure-5. As the decision of the Cuttack Bench has achieved finality, it is binding and therefore, shall be implemented.

3. After explaining the case, Shri Bariar submitted that he would be satisfied if his representation is considered in the light of the decision of the Cuttack Bench. At para-4.13 of the petition it is stated that the petitioners made several representations before Director I/c. by a letter dtd. 10.11.1995 (Annexure-9), The petitioner was

informed that his representation dtd. 20.10.1995 is sent for consideration to Dy. Director, Eastern Region Geological Survey of India.

4. It is appropriate, therefore, to dispose of this application by a suitable direction to the respondents. It is also relevant to mention here that the petitioners were declared as Group 'C' Technical and re-designated as Technical Operator (Chem) w.e.f. 20.12.1980. This was subsequently confirmed by the Dy. Director, Eastern Region w.e.f. 01.04.1988.

5. In view of the above, respondent no.3, Dy. Director Eastern Region, Geological Survey of India, Calcutta, is hereby directed to dispose of the applicant's representation in this regard within a period of two months from the date of receipt of this order in the light of decision of the CAT, Cuttack Bench, referred to above.

With this observation, this application is disposed of

Let a copy of this order be handed over to the learned counsel for the applicant and to Shri R.K. Choubey, junior to Shri J.N.Pandey, learned Sr. Standing counsel for the respondents, who is present in the Court.

SKJ

On ams. whr  
(N.Sahu) 25/1/96  
Member (A)