

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH: PATNA

Registration No. OA-195/96 and 196/96:

(Date of decision 11.4.97)

OA-195/95

1. Dipti Sen Gupta
W/o Kanailal Gupta.
2. Kumari Anima Biswas
D/o L.Umapati Biswas.
3. Kumari Shanti Gupta
D/o L.Anath Nath Gupta.

All residents of Giridih, working in the
Office of the National Sample Survey Organisation,
Data Processing Centre, Ministry of Planning,
Department of Statistics, Govt. of India,
New Barganda, Giridih-815301 as Data Processing
Supervisor since revised designated as Data
Processing Assistant with effect from 11.9.1989
vide order dated 13.8.1990.

..... Applicants
By Advocate Mr.J.S.Prasad

with
Mr. A.K.Sinha.

Versus

1. The Secretary, Department of Statistics,
Ministry of Planning, Safdar Patel Bhawan,
Sansad Marg, New Delhi-1.
2. The Director, Data Processing Division,
National Sample Survey Organisation,
Department of Statistics, Ministry of Planning,
164 G.L.Road, Bara Nagar, Calcutta-700035.
3. The Deputy Director,

Data Processing Centre,
National Sample Survey Organisation,
Dept. of Statistics, Ministry of Planning,
New Barganda, Giridih, Bihar.

..... Respondents
By Sr. Standing Counsel:
Mr. J.N. Pandey.

OA-196/96

1. Amar Kumar Sinha Son of Tribhuwan Prasad.
2. Alok Kumar Gupta Son of Late Tulsi Prasanna Gupta.
3. Raj Kishore Prasad Son of Bhubeneshwar Prasad.
4. Md. Sufaiman Son of Late Pachu Mian
5. Naseem Ahmed Son of Md. Zainul Alledin.

All working in the office of the National Sample Survey Organisation Data Processing Centre, Min. of Planning, Deptt. of Statistics, Government of India, New Barganda, Giridih as Data Processing Assistants since revised designated as Data Entry Operator Grade-B. with effect from 11.9.1989.

By Advocate: Mr. J.S. Prasad
With
Mr. A.K. Sinha.

..... Applicants

Versus

1. Union of India through its Secretary,
Department of Statistics, Min. of Planning,
Sardar Patel Bhavan, Sansad Marg, New Delhi-1.
2. Director, Data Processing Division,
National Sample Survey Organisation,
Department of Statistics, Min. of Planning,
164, G.L.T.Road, Bara Nagar, Calcutta-700035.
3. Deputy Director, Data Processing Centre,
National Sample Survey Organisation, Deptt. of
Statistics, Min. of Planning, New Barganda, Giridih.

By Sr. Standing Counsel: Mr. J.N. Pandey.

..... Respondents

Coram: Mr. V.N. Mehrotra, Vice-Chairman.

O R D E R

Hon'ble Mr. Justice V.N.Mehrotra, V.C.

These two applicants have been filed under Section 19 of the Administrative Tribunals Act, 1985. As similar questions of law and fact have been raised in these applications, they have been heard together and shall be disposed of by these orders.

2. In both these applications the applicants have prayed that the respondents be directed to make the new scales of pay Rs.1350-2200 ~~xxxxxx~~ effective from 1.1.1986 instead of 11.9.1989 as has been done.

3. It is not disputed that the petitioners were initially appointed as Data Processing Assistants in the Data Processing Division, National Sample Survey Organisation, Department of Statistics in the Ministry of Planning (wrongly mentioned as Data Processing Superintendents in OA-195/96). They were subsequently re-designated as Data Entry Operator. Prior to the implementation of the report of the Fourth Pay Commission they were in the scale of Rs.330-560. This scale was replaced by the Fourth Pay Commission with that of Rs.1200-2040 and the same was implemented by the Government with effect from 1.1.1986. The Fourth Pay Commission had, however, recommended a higher scale of Rs.1350-2200 from 1.1.1986 for the Data Processing staff of the Railways. The Fourth Pay Commission, had, made a recommendation for re-examination of the matter. The Government accordingly appointed an expert committee, known as Sesha Giri Committee, to consider the whole issue. The Sesha Giri Committee submitted a report which was accepted by the Government of India by order dated 11.9.1989. The Ministry concerned then by their order dated 2.7.1990 revised the pay scales of Data Processing Assistants from Rs.1200-2040 to Rs.1350-2200 and also revised

the designation of Data Processing Assistants as Data Entry Operators Grade-B but the same was done with effect from 11.9.1989 and not from 1.1.1986 which benefit the corresponding Railway employees were enjoying. Being aggrieved with this several employees filed a representation before the Ministry but the same were rejected. Thereafter, some of the employees moved various Benches of the Central Administrative Tribunal. In these decisions, which I will cite, the contention by the employees was upheld and it was directed that the Grade of Rs.1350-2200 be made applicable with effect from 1.1.1986 instead of 11.9.1989 and consequential benefit should also be granted to those employees.

4. The contention by the present applicants in both these applications is that they also made representations to the authorities concerned requesting that the revised grade of Rs.1350-2200 be made applicable in their cases also from 1.1.1986 but their representations were rejected.

5. It has been contended on behalf of the applicants that after the decision by various Benches of the Central Administrative Tribunal, it was not now open to the authorities to say that the applicants were not entitled to get the benefit of revised scale from 1.1.1986. It is asserted that the applicants are also entitled to get the same relief which has been granted to other employees similarly placed, by the different Benches of the Central Administrative Tribunal.

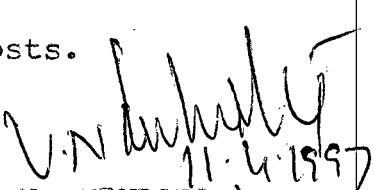
6. On behalf of the respondents, though it has been conceded that in several other cases different Benches of Central Administrative Tribunal have held that the revised Grade of Rs.1350-2200 shall be applicable from 1.1.1986, but it is said that those judgments were not applicable to the present applicants

who were not parties to those cases. It is further contended that the Government has taken a policy decision to make the revised grade applicable from 11.9.1989 and so the Tribunal should not direct that the grade should be made applicable from an earlier date.

7. I have heard the learned counsel for the parties and have perused the material on record. The learned counsel for the applicant has relied on the decision by the Calcutta Bench of the Central Administrative Tribunal in OA-282/93 and OA-744/93 delivered on 6.3.1996. In that case the Calcutta Bench had accepted the contention raised by the employees who were similarly placed to the present applicants and had directed that the applicants in that case should be granted pay scale of Rs.1350-2200 with effect from 1.1.1986. Reference was made to the decision in the case OA-957/90 (Jagan Mohan Reddy and others v. Union of India) decided on 9.7.1992 by the Hyderabad Bench of the Tribunal in which similar view was taken. Reliance was also placed on OA-249/91 Meena Ketan Mishra v. Union of India decided by the Cuttack Bench of the Tribunal ~~delivered~~ on 28.8.1992 and also on the decision in OA-625/90 and OA-755/90 K.D.Kanir Sagar vs. Union of India decided by the Bombay Bench on 7.3.1995. Actually the decision by the Bombay Bench was implemented by the Department of Statistics by order dated 11.8.1995.

8. All the above mentioned decisions have upheld the assertions made by the employees as regards the implementation of the revised higher grade with effect from 1.1.1986. In view of all these decisions it is not possible to accept the contention by the learned Senior Standing Counsel that as decision by the Government is on Policy matter the Tribunal should not interfere with the same. When the similarly placed employees working in the same Department have been allowed the benefit of the revised higher grade with effect from 1.1.1986, there is no reason to deny the same to the present applicants.

9. In the above mentioned circumstances both these OAs are allowed. The respondents are directed to grant the pay scale of Rs.1350-2200 to the present applicants who are Data Processing Assistants/Data Entry Operators Grade-B with effect from 1.1.1986. They shall also be allowed consequential benefits including arrears of pay and increments etc. as may be admissible under the rules within a period of three months from the date of communication of this order. No order as to costs.


(V. N. MEHROTRA)
VICE-CHAIRMAN