

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 53/89

~~XXXXXXXXXXXXXXXXXXXX~~

DATE OF DECISION 7.12.1993

Chandrakant D. Godse Petitioner

Mr. D V Gangal Advocate for the Petitioners

Versus

U.O.I. & Ors. Respondent

Mr. A.S.Rao for Mr.R M Agrawal

Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri M.R. Kolhatkar, Member (A)

- ~~1. Whether Reporters of local papers may be allowed to see the Judgement ?~~
2. To be referred to the Reporter or not ? *W*
- ~~3. Whether their Lordships wish to see the fair copy of the Judgement ?~~
4. Whether it needs to be circulated to other Benches of the Tribunal ? *W*

*[Signature]*  
V.C.

(5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, 'GULESTAN' BUILDING No.6  
PRESCOT ROAD, BOMBAY-1

OA No. 53/89

Chandrakant D. Godse

..Applicant

V/s.

Union of India through  
The Secretary  
Min. of Home Affairs & Ors.

..Respondents

Coram: Hon.Shri Justice M.S. Deshpande, V.C.  
Hon.Shri M.R. Kolhatkar, Member (A)

Appearance:

Mr. D.V.Gangal  
counsel  
for the applicant

Mr. A.S. Rao  
for Mr. R M Agrawal  
counsel  
for the respondents

ORAL JUDGMENT:

DATED: 7.12.1993

(Per: M.S.Deshpande, Vice Chairman)

The applicant prays for a declaration that he is entitled to the pay scale of Rs. 330-560 and the revised scale of Rs.1400-2300 and for consequential benefits including the arrears of pay with effect from 1.1.1976 and 1.1.1986 in the revised pay scales as per recommendations of 3rd and 4th pay commissions.

2. The applicant was originally appointed after passing the S.S.C. examination as Forest Guard under the Dadra & Nagar Haveli Administration in 1955 and later on promoted and posted as Bailiff in the Court with effect from 23.7.1961, and thereafter was promoted as Cinema Operator as he possessed necessary educational and other qualifications. He was drawing the pay scale of Rs. 160-215 in December 1971 and came to be granted the modified pay scale of Rs.145-170. The post of Cinema Operator was equated with the pay scale of Rs.110-180

retrospectively with effect from 6.3.1970, though in fact the posts of Projectionist, Cinema Operator in other Union Territories including that of Goa, Dju and Daman the pay scale was Rs.150-280 prior to the IIIrd Pay Commission. In accordance with the circular dated 9.8.1974 the applicant elected the revised pay scale as prescribed in the 3rd pay commission with effect from 1.1.1973. In fact the projectionist Movie Operator, Cinema Operator were given the pay scale of Rs.330-560 with effect from 1.1.73 as per 3rd pay commission which carried a prerevised pay scale of Rs. 150-280, but the applicant came to be placed in the pay scale of Rs.260-400 (Revised Pay).

3. According to the applicant the nature of duties and responsibilities to the post of projectionist, cinema operator and movie operator were identical as well as the qualifications prescribed for these posts in all the Union Territories including Dadra and Nagar Haveli and there can therefore be no discrimination in granting of pay scale to the three categories. The applicant's representations made between 26.4.77 and 29.6.88 had met with no success.

4. One Subhash Moreshwar Nagaonkar, who was similarly situated filed a writ petition in the High Court which came to be transferred to this Tribunal and was renumbered as Transferred Application No.126/86. This Tribunal granted the relief which is sought by the present applicant to Nagaonkar in that petition. A copy of the judgment dated 24.08.1987 has been appended as Annexure 'H' to the application and Shri Gangal, learned counsel for the applicant, states that the S.L.P. which was filed by the Administration against the decision of the Tribunal was rejected by the Hon. Supreme

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Court on 18.1.1988, and since the applicant's case is governed on facts as well as law by the earlier decision of the Tribunal the applicant is also entitled to the same relief as was granted to Nagaonkar.

5. The learned counsel for the respondents however, pointed that as stated in para 6.3 of the reply filed by the respondents the applicant's case cannot be equated to that of Nagaonkar because of difference in the qualifications prescribed under the recruitment rules for the post of cinema operator in Dadra and Nagar Haveli and the same are not fulfilled by the applicant and this was the reason why the Ministry of Home Affairs had sanctioned lower pay scale of Cinema Operator for the Publication Department, of the Administration. The relevant recruitment rules have not been placed before us and we have not been shown how the applicant is ineligible to hold the post of cinema operator though he had worked continuously on that post for two decades. It is, therefore, difficult to accept the contention that on the basis of the applicant not fulfilling the educational criteria he would not be entitled to same treatment as was accorded to Mr. Nagaonkar. In the letter dated 9.5.75 which was sent by the Secretary to the Administrator to the Deputy Secretary, Government of India, the administration did not raise this point, on the contrary they recommended that in view of the arduous nature of job which involves arranging programmes in the interior parts of Dadra and Nagar Haveli which is forest and hilly area till late night to exhibit film shows and remain out of headquarters, the revised

pay scale of Rs. 330-560 should be granted to the applicant by revising the scales of the post with effect from 6.3.1970.

6. We, therefore, see no answer to the contention of Shri Rao that the applicant would not be entitled to the same relief as were granted to Nagaonkar. In the result we allow the application and direct the respondents to equate the post of Cinema Operator to that of Projectionist and fix his pay in the grade of Rs.150-280 with effect from 6.3.1970 to December 1972 and further fix his pay in the grade of Rs.330-560 with effect from 1.1.1973 and thereafter fix his pay in the pay scale of Rs. 1400-2600 with effect from 1.1.1986, and grant him all the consequential reliefs after adjusting the salary paid to him earlier. Since the applicant has retired with effect from 1.12.1991 his pension shall be fixed on the basis of the pay that he would have drawn in the revised pay scale of Rs.1400-2600. Let the above order be complied with within a period of three months. There would be no order as to costs.

*MR Kolhatkar*

(M.R. Kolhatkar)  
Member (A)

*(Signature)*  
(M.S. Deshpande)  
Vice Chairman