

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

NO. O.A. 253 of 1997.

Dated the 24<sup>th</sup> Day of September, 2001.

C O R A M : 1. The Hon'ble Mr. S. L. Jain, Member (J).  
2. The Hon'ble Mr. S. K. Agrawal, Member (A).

Laxman Ramabhai Solanki,  
Laboratory Assistant,  
Govt. Higher Secondary School,  
DIU - 362 520.

(By Shri I. J. Naik, Advocate)

... Applicant

A N D

1. The Administrator of U.T. of Daman and Diu,  
Administrator's Secretariat,  
Fort Area, Moti Daman - 396 220.
2. The Director of Education,  
Administration of Daman and Diu,  
Collectorate, Fort Area,  
P.O. : Moti Daman - 396 220.
3. Union of India through the  
Secretary, Ministry of Home Affairs,  
Central Secretariat,  
North Block, New Delhi.
4. The Collector,  
Diu District,  
P.O. : DIU - 362 520.

(By Shri R. K. Shetty, Advocate)

... Respondents

O R D E R

( Per Hon'ble Mr. S. L. Jain, Member (J) )

None is present for the applicant. Mr. R. K. Shetty  
is present for the respondents.

2. This is an application u/s 19 of the A.T. Act, 1985,

8/2001

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seeking the following reliefs :

(A) A direction upon the respondents to extend to the applicant the same higher pay scale of Rs.1200-2040/-, which is being paid to Shri A.V.Vaishya, who is also holding the post of Laboratory Assistant and discharging the same duties and responsibilities in the same type of educational institutions of the same Administration.

(B) A declaration to the effect that the lower pay scale of Rs.975-1540/- being given to the applicant is arbitrary, discriminatory and violative of Article 14 of the Constitution of India.

(C) A direction upon the respondents to remove the anomaly in the pay scale of Laboratory Assistants serving in the educational institutions of the Administration of Daman and Diu.

(D) A direction upon the respondents to refix the pay scale of the applicant and calculate the arrears and pay the said amount to the applicant with interest.

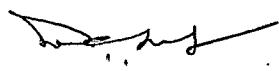
(E) Any further relief or reliefs as the circumstances of the case require and the same be granted to the applicant.

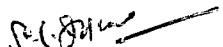
(F) An order upon the respondents to pay the applicant costs and incidentals to the original application.

3. On a perusal of para 1 of the O.A., we find that the application is against the inaction of the respondents to extend the applicant the pay scale of Rs.1200-2040/- in the post of Laboratory Assistant as allowed to Shri A.V.Vaishya, holding the same post in the same type of Educational Institutions under the Administration of Daman and Diu.



4. Para 6 of the O.A. is to the effect that the applicant has made a representation dated 10.7.1996 (annexure 'A/4'), but even after a lapse of six months, the respondents have failed to take action.
5. Reply to the same can be found in para 16 of the written statement and the reply is that the said contentions are substantially correct.
6. Thus it is a fact that even after the applicant's representation, the respondents failed to consider the same within a period of 6 months or even thereafter.
7. On a query made by us to the 1d.counsel for the respondents regarding the latest position, the 1d.counsel has stated that the representation is yet to be disposed of.
8. The respondents are bound to decide the representation dated 10.7.1996 submitted by the applicant and in case of inaction, the only relief which can be provided to the applicant is to order the respondents to decide the representation submitted by the applicant.
9. In the result, the O.A. is allowed. The respondents are directed to decide the representation of the applicant dated 10.7.1996 (annexure 'A/4'), within a period of 3 months from this date, with a copy to the applicant.
10. No order as to costs.

  
( S.K.Agrawal )  
Member (A)

  
( S.L.Jain )  
Member (J)