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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

D.A. 714/95.

Dt. of Decision : 26-10-95.

Noor Mohiuddin

.. Applicant.

Vs

1. The Registrar General Of India
and Census Commissioner,
2-A, Mansingh Road,
New Delhi.

2. The Director,
Census Operations, A.P.,
Govt. of India, Somajiguda,
Hyderabad.

.. Respondents.

Counsel for the Applicant : Mr. P. Naveen Rao

Counsel for the Respondents : Mr. V. Bhimanna, Addl.CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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O.A.No. 714/95

Dt. of decision: 26-10-1995.

JUDGEMENT

(As per Hon'ble Sri R. Rangarajan, Member (A))

Heard the counsel for both the parties.

2. The applicant herein was appointed as Data Entry Operator Gr.B w.e.f. 2-6-82 and his pay was fixed in the scale of pay of Rs.330-560. The scale of pay of DEO was revised to Rs.1200-2040 w.e.f. 1-1-86 consequent on the recommendation of the IV Pay Commission. The applicant was further promoted as Junior Supervisor on 22-8-90 and he is working in that capacity now.

3. While the Railway Administration refixed the scale of pay of DEOs who were earlier in the scale of Rs.330-560 as the applicant, as Rs.1350-2200, the respondents organisation herein recommended the pay of Rs.1200-2040 for DEO. As the scales of pay were different for the DEOs in the Census Department compared to that of Railways, the DEOs of the Census Department submitted a representation for reconsidering the matter to get the same scale of pay as granted by the Railway Administration. In view of the above representation, the Govt. of India appointed Seshagiri Commission to enquire into the grievance ^{and} ~~on~~ the said commission recommended the scale of pay of Rs.1350-2200 to the DEOs of Census Department also on par with that of Railway Administration. The recommended scale of Seshagiri Commission was accepted by the Govt. of India as per notification dt.11-9-89 and the scale of pay of DEOs Gr.B of the

Census Department was fixed in the scale of pay of Rs.1350-2200 w.e.f. 11-9-89, as the scale of pay was not made applicable to them w.e.f. 1-1-86 from which date the recommendation of the IV Pay Commission was implemented, some of the DEOs Gr.B of the Census Operations filed O.A.957/90 on the file of this Bench praying for a direction to the respondents therein to implement scale of pay as recommended by Seshagiri Commission i.e. Rs.1350-2200 from 1-1-86 and pay the difference of arrears of pay for the period 1-1-86 to 10-9-89 within three months from the date of receipt of a copy of the judgement. That O.A. was allowed by this Bench by its judgement dt.9-7-92. The operative portion of the judgement reads as below:

"In the result, the respondents are hereby directed to give the same scale of pay of Rs.1350-2200 from 1-1-86 to the applicants also on par with the Electronic Data Processing staff working under the Railway administration and pay the difference of arrears of pay for the period from 1-1-86 to 10-9-89 in accordance with the rules and regulations. The respondents are further directed to pay the said arrears within three months from the date of receipt of a copy of this Judgement. With these directions, the application is allowed. In the circumstances of the case, we direct the parties to bear with own costs."

4. S.L.P.No.16533/93 was filed by the respondents against the judgement of this Tribunal in OA 957/90. That SLP was dismissed by the Apex Court by order dt.5-12-94.

5. Inspite of dismissal of the SLP, the directions of the Tribunal in OA 597/90 was not implemented. Hence some of the applicants in OA 957/90 filed CP No.19/95 on the file of this Bench. That CP was disposed of by order dt.9-5-95

wherein both of us ~~was~~^{were} party to that judgement in the C.P.

6. It was held in that order of the judgement in CP that "as the Apex Court directed deposit of difference of pay of the applicants as condition for stay of operations of the judgement in OA 957/90, the amount in deposit should be paid to the applicants in case the SLP is dismissed, and as the SLP is dismissed they are entitled to the said amount and hence further clearance from the Ministry of Finance or Ministry of Home Affairs is not necessary. When once the amount is deposited in pursuance of the direction of the Court, and the entitlement to the deposited amount is subject to the result in the proceedings before the Court, the party who deposited the said amount cannot touch and cannot utilize it for any purpose and it goes to the party who succeeds. Neither the entire amount nor part of it can be paid to any one else." In view of the above, it was further directed to the respondents in CP to pay the amount in the deposit which was deposited as per directions of the Apex Court referred to within two weeks from the date of receipt of copy of the order in the C.P.

7. As the applicant in this O.A. was similarly situated as the applicants in OA 957/90 and the applicants in C.P. 19/95 in OA 957/93, the applicant filed a representation dt. 17-5-95 (Annexure-5) for similar relief and also fixing his pay suitably in the higher grade from the date when he was promoted as Junior Supervisor and to step up his pay accordingly. However, his request was turned down by the respondents by letter No. A.11014/1/93-Estt, dt. 19-5-95 on the ground that the judge-

ment of this Tribunal is ~~not~~ applicable only to the employees who were party to the petition.

8. Aggrieved by the above the applicant has filed this O.A. for quashing the impugned proceedings dt.19-5-95 of the respondents for consequential direction to the respondents to fix the pay of the applicant to the D.E.O. Gr.B in the scale of pay of Rs.1350-2200 w.e.f. 1-1-1986 and to pay the arrears of pay from 1-1-86 to 10-9-89 with interest at 12% per annum and also to refix his pay in the higher grade of Jr. Supervisor by extending the benefit of the judgement of this Tribunal dt.9-7-92 in OA.957/90, with all consequential benefits.

9. There is no doubt that this O.A. is covered by the judgement dt.9-7-92 in OA 957/90 and the C.P.19/95 in OA 957/90 on the file of this Bench. Hence the applicant herein is entitled to the same relief as granted to others in the above said O.A.

10. In view of the above, we follow the directions given by this Tribunal in O.A.957/90 and direct the respondents to implement the scale of pay of Rs.1350-2200 from 1-1-86 to the applicant herein and pay the difference of arrears of pay for the period from 1-1-86 to 10-9-89 in accordance with rules and regulations. The arrears on account of the refixation scale from 1-1-86 should be paid to the applicant within three months from the date of receipt of a copy of the judgement.

11. It is further directed that the pay of the applicant as Jr. Supervisor from 22-8-90 should also be fixed on the basis of fixation of pay as mentioned in Para 10 above. The arrears on this account should also be paid to the applicant within three months from the date of receipt of a copy of this order.

12. The O.A. is ordered accordingly at the admission stage itself. No costs. /

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(R. Rangarajan)
Member (A)

Neeladri
(V. Neeladri Rao)
Vice Chairman

Dated 26/10/95

Ambr
Deputy Registrar (J) CC

kmv
To

1. The Registrar General of India and Census Commissioner, 2-A, Mansingh Road, New Delhi-
2. The Director, Census Operations, A.P. Govt. of India, Somajiguda, Hyderabad.
3. One copy to Mr. P. Naveen Rao, Advocate, CAT.Hyd.
4. One copy to Mr. V. Bhimanna, Addl.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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AM
JUL 1995
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TYPED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELAKANTHA
VICE CHAIRMAN

AND

THE HON'BLE MR.R.RANGARAJAN :M(A)

DATED: 26-10-1995

ORDER/JUDGMENT

M.A./R.A./C.A.No.

in

O.A.No. 714/95

T.A.No.

(W.P.NO.)

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

PPM

No Spec. Copy

