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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 335/96
with M.A.190/96 abd MA 191/96

Date of Order: 11-3-96.

Between:

1. H.K.Guru Raja Rao.
2. J.Pamamani
3. J.Nagamani.
4. K.Uma Kumari.

.. Applicants

and

1. Controller General of Accounts,
Govt.of India, New Delhi.
2. Principal Chief Controller of
Accounts, Central Board of Excise and
Customs, New Delhi.
3. Commissioner-I Central Excise,
Basheerbagh, Hyderabad.
4. Commissioner-I Central Excise,
Guntur.

Respondents.

For the Applicant :- Mr.K.K.Chakravarthy, Advocate.

For the Respondents: Mr.V.Rajeswar Rao,
Ex./Add.CGSC

CORAM:

THE HON'BLE MR.JUSTICE M.G.CHAUDHARY : VICE-CHAIRMAN

THE HON'BLE MR.H.RAJENDRA PRASAD: MEMBER(ADMN)

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DA.335/96 with MA 190/96 and MA 191/96.

Judgement

(As per Hon. Mr. Justice M.G. Chaudhari, V.C.)

After hearing the learned counsel for the applicants Mr. K.K. Chakravarthy, we are of the view that interest of justice will be served by giving following directions without entering on the merits at this stage and no orders are called for on both the miscellaneous applications.

2. The applicants are working as Data Entry Operators (DEOs) in the Central Excise Collectorate in the Computer Cell, in PAO Unit, under R-3 and R-4. They claim that they are entitled to be given the scale of pay of Rs.1150-1500, which is the entry grade with effect from 1-1-1986. In support of this claim they have relied upon the decision of this Tribunal in OA.957/90, decided on 9-7-92, In order to appreciate the grievance of the applicants it is firstly necessary to refer to the OM dated 11-9-1989 issued by the Ministry of Finance, Department of Expenditure, Implementation Cell, Annexure-A.I. By that memorandum in the light of the recommendations of the IV Central Pay Commission, Departmental Committee examined the question of introducing a pay structure for Electronic Data Processing posts as provided thereunder. According to that memorandum, the scale of pay of Rs.1150-1500 is prescribed as entry grade for Data Entry Operator Grade 'A' to those who have higher secondary with knowledge of DEO qualification.

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[Signature]

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By OM dated 12-1-1990 Annexure II, issued by the same Ministry as above, the scales prescribed were implemented with effect from 11-9-1989. The applicants have no grievance to the extent of payment of the scale of Rs.1150-1500 in pursuance of the aforesaid memorandum. Their limited grievance is that the ~~(date)~~ prescribed as 11-9-1989 for effecting the scales is erroneous and the pay scale should have been applied with effect from 1-1-1986. Thus, they claim the arrears for the period from 1-1-1986 to 10-9-1989 in the scale of Rs.1150-1500.

3. The aforesaid memorandum fell for consideration of this Tribunal in OA.957/90 (supra). A Division Bench of this Tribunal after considering the effect of the aforesaid memorandum, came to the conclusion that there was no justification for not granting the same pay scale to the applicants in that case from the same date when their counterparts in the Railway administration were given the same. Consequently, it was directed that the pay scale of Rs.1350-2200 should be given to the applicants in that case and to pay the difference of arrears of pay from 1-1-1986 to 10-9-1989 in accordance with rules and regulations. The applicants in that case were working in the Census Department and not under the present respondents.

4. The learned Additional Central Government Standing Counsel, Sri V. Rajeswara Rao, submitted that since the above decision was rendered in respect of the employees

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of the Census Department, it cannot ipso facto govern the Central Excise Department and even otherwise the applicants ^{not} ~~not~~ having approached the Tribunal within a reasonable time after the knowledge of the said decision they must suffer for their lapse and their grievance may not be entertained. We do see great force in this submission and we are at pains to understand as to why these applicants have approached at such a belated stage when they should have approached the Tribunal within a reasonable time. However, the fact remains that the earlier decision has dealt with the very notification dated 11-9-1989, although relating to Data Entry Operators in a different Department. The Tribunal had interpreted the same and had taken the view that the benefit of the pay scale as recommended by the IV Pay Commission, should be extended to DEOs (in the Census Department) from 1-1-1986. Since this principle has been laid down in respect of the DEOs in the light of notification dated 11-9-1989, we think that the respondents herein are required to seriously examine as to whether the applicants also should be given the benefit with effect from 1-1-1986.

5. It is observed that the applicants had filed a representation on 12-10-1990. No reply was, however, given to that by the respondents. Therefore, All India Civil Accountants Employees' Association, Hyderabad Branch, had submitted a representation on 25-4-1995 to the respondent No.1 wherein one of the demands made was for making the scale effective from 1-1-1986.



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6. The learned counsel for the applicants states that no decision in this respect has been taken or communicated to the Association. He also stated that the applicants are the members of that Association. Having regard to the above circumstances we are of the considered opinion that on the principle of equal pay for equal work and the law laid down by the Tribunal in the decision dated 9-7-1992 and as the representation of the Association is undecided that the respondents / and the concerned Ministry should examine the question of applying the pay scale of Rs.1150-1500 to the applicants with effect from 1-1-86, which incidentally would require the question of payment of arrears between the period from 1986 and 1989 to be considered, in its proper perspective so as to remove the grievance of the Data Entry Operators in the Central Excise Department. We, therefore, direct the respondents to take a decision in the matter in the light of above observations within a period of three months from the receipt of copy of this order and communicate the decision to the applicants/Association. In the event of applicants being aggrieved by the decision they will be at liberty to adopt such legal remedies as they may be advised.

7. Since we are giving the above direction without referring to the merits of the case and are leaving the matter entirely to the consideration of the respondents at this stage, the order shall be treated as passed without prejudice to the rights and

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To

1. The Controller General of Accounts,
Govt. of India, New Delhi.
2. The Principal Chief Controller of Accounts,
Central Board of Excise and Customs,
New Delhi.
3. The Commissioner-I Central Excise,
Basheerbagh, Hyderabad.
4. The Commissioner-I, Central Excise,
Guntur.
5. One copy to Mr. K. K. Chakravarthy, Advocate, CAT. Hyd.
6. One copy to Mr. V. Rajeswar Rao, Addl. CGSC. CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

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1/2/96
I COURT

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

M.G. Chaudhary
THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND
H. Ramesh Chandra Rao
THE HON'BLE MR. R. RANGARAJAN : M(A)

Dated: *11-3* -1996

ORDER/JUDGMENT

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

in
O.A.No. *335/96 with MA 190/96*
T.A.No. *and 191/96*
(w.p.No. *191/96*)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

No Spare copy

