

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.109/94

Dt. of order: 19.9.1994

R.C.Sharma & Ors.

: Applicants

vs.

Union of India & Ors. : Respondents

Mr.Dharmendra Agrawal-Brief Holder of Mr.Virendra Lodha
counsel for applicant.

Mr.V.S.Gorjar : Counsel for respondents

CORAM:

(i) Hon'ble Mr.Gopal Krishna, Member(Judl.)

Hon'ble Ms Usha Sen, Member(Adm.)

PER HON'BLE MR.GOPAL KRISHNA, MEMBER (JUDL.).

Applicants R.C.Sharma, L.N.Suthar, K.L.Sunar, J.D.Pradhan, N.R.Choudhary, Bhagwan Singh, Kumari Laxmi Baberwal, Ram Narain-I, A.P.Agarwal, Hemant Kumar, Ram Narain-II, P.I.Agarwal, C.L.Verma, M.L.Chhangani, Hariom Gupta, S.P.Jain, Ram Sahai, M.L.Meena, Babu Lal and P.K.Gupta, have in this application under Sec.19 of the Administrative Tribunals Act, 1985, prayed for the following reliefs:

"i) by an appropriate order or direction the action of the respondents in not giving the pay scale of Rs.1640-2900 with effect from 1.1.'86 to the applicants be declared wholly illegal, arbitrary, unreasonable and unconstitutional being in clear breach to the provisions of Articles 14, 16 and 21 of the Constitution of India,

ii) by further appropriate order or direction the respondents be directed to modify the order dated 10.3.'93 (Annex.A1) suitably to the extent that the applicants be entitled to be given the scale of Rs.1640-2900 with effect from 1.1.'86 with all consequential benefits thereto,

iii) by further appropriate order or direction the respondents be directed to modify the order dated 10.3.'93 (Annex.A1) to the effect that the applicants be given the pay scale with effect from 1.1.'86 instead of the dates of their joining the duties in N.E. region,

iv) issue an appropriate order or direction thereby directing the respondents to pay the arrears of difference of salary with effect from 1.1.'86 with interest @ 24% per annum,

v) by further appropriate order or direction if any order prejudicial the rights/detrimental the interest of the

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applicants is passed during the pendency of the O.A, the same may kindly be taken on record and be quashed and set aside.

- vi) any other order or direction which may be considered just and proper in the facts and circumstances in the case may kindly be passed in favour of the applicants,
- vii) cost of the application may kindly be awarded to the applicants."

2. We have heard the learned counsel for the parties and have gone through the records.

3. The applicants are serving in the department of Telecom as Junior Engineers, ^{and} the dates of their joining duties are given in para 5(B) of this application. They were appointed to the said post after undergoing regular mode of selection/recruitment initially as Junior Engineer (Trainee). Since they were not given regular pay scale w.e.f. the date of their initial appointments although the same was accorded to those persons who were not even ~~been~~ in service as on 1.1.1986. These applicants submitted representations to the concerned authorities. The respondents however sent a reply to the representation of the applicants some time in the year 1992 and it was intimated that 41 posts of Junior Engineer were kept in the lower scales Rs.1400-2300 vide Annex A-4. The contention of the applicants is that the respondents have given the pay scale of Rs.1640-2900 to Junior Engineers who rank junior to these applicants and as such the applicants have been deprived of the pay scale w.e.f. 1.1.1986 and they have been given the pay scale only with effect from the dates of their joining at different places in the North Eastern Region as has been shown in para 5(E) of the application and therefore, the applicants' claim that they have been discriminated in the matter of grant of a higher pay scale. This action of the respondents has been assailed as being arbitrary and unconstitutional.

4. The applicants have admittedly represented their grievance to the concerned authorities vide a communication at Annex A-5 dt. 31.10.93. The learned counsel for the applicants has stated that this notice for demand of justice may be treated as a representation as envisaged by Sec.20 of the Administrative Tribunals Act, 1985 and

he wants that the same be disposed of on merit through a speaking order meeting all the points raised therein. The learned counsel for the respondents has no objection to it.

5. We, therefore, dispose of this application with the direction to the respondents to decide the representation Annex.A5 dated 31.12.'93 through a detailed speaking order on merits meeting all the points raised therein within a period of 4 months from the date of the receipt of a copy of this order. If the applicants are aggrieved ^{by} any decision taken on the representation, they shall be at liberty to file a fresh O.A. There shall be no order as to costs.

Usha
(Ms. Usha Sen)

Member (A).

Gopal
(Gopal Krishna)
Member (J).