

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,
Jaipur.

O.A NO.313/97
M.A NO.204/97

Date of order: 5.7.1999

1. S.I.Malhotra, S/o Shri I.S.Malhotra, R/o 13/64, Malviya Nagar, Jaipur.
2. Smt.Sarla Makhija, W/o Shri Naresh Makhija, R/o 2/149, SFS, Agarwal Farm, Mansarovar, Jaipur.
3. R.S.Yadav, S/o Shri H.S.Yadav, R/o II-83, A.G. Colony, Bajaj Nagar, Jaipur.
4. S.K.Sharma, S/o Shri Brij Mohan Sharma, R/o 554, Bordi ka Rasta, Near Lashkar Jain Temple, Kishanpole, Jaipur.
5. R.S.Jatav, S/o Shri Ganga Ram Jatav, R/o II-79, A.G. Colony, Bajaj Nagar, Jaipur.
6. J.N.Mathur, S/o Shri M.B.L.Mathur, R/o 626, Jailal Munshi ka Rasta, Chandpole Bazar, Jaipur.
7. Kum.Neelam Pandey, D/o late Shri H.A Pandey, R/o 13/389, Malviya Nagar, Jaipur.

All are presently working as Assistants in the office of the Salt Commissioner, Jaipur.

...Applicants.

vs.

1. Union of India through the Secretary, Ministry of Industry, Deptt. of Industrial Policy & Promotion Govt. of India, Udyog Bhawan, New Delhi.
2. The Salt Commissioner, 2-A, Lavan Marg, Jhalana Doongri, Jaipur.

...Respondents.

Mr.U.D.Sharma - Counsel for applicants.

Mr.S.S.Hasan - Counsel for respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Vice Chairman

Hon'ble Mr.N.P.Nawani, Administrative Member.

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN.

Applicants, S.I.Malhotra, Smt.Sarla Makhija, R.S.Yadav, S.K.Sharma, R.S.Jatav, J.N.Mathur and Kumari Neelam Pandey, have mainly prayed in this application under Section 19 of the Administrative Tribunals Act, 1985, for a direction to the respondents to grant them the pay scale of Rs.1640-2900

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and to fix them in the said scale from the date on which they were appointed/promoted to the post of Assistants in the office of the Salt Commissioner, Jaipur.

2. We have heard the learned counsel for the parties and have carefully gone through the record of the case.

3. The controversy involved in this case lies within a short compass. The request of applicant No.1, namely S.I. Malhotra, Assistant in the office of the Salt Commissioner for grant of the pay scale of Rs.1640-2900 was not acceded to by the office of the Salt Commissioner, merely on the ground that the grant of the said scale to other Assistants of the same office was allowed since those Assistants had filed an Original Application No.152/91 before the Central Administrative Tribunal, or subsequently joined in the Contempt Petition and the higher pay scale was granted to those Assistants in implementation of the order of the Central Administrative Tribunal dated 9.8.1994 in the O.A referred to above.

4. The learned counsel for the respondents on the other hand relied on a decision of the Central Administrative Tribunal, Principal Bench, New Delhi, rendered in O.A No.162/92, vijay Kumar and five others connected O.As decided on 9.7.97 and contended that in the light of the observations made by the Principal Bench, this application does not warrant any judicial interference.

5. On careful perusal of the order in O.A No.152/91 decided on 9.8.94 (Annex A2) of this Bench of the Tribunal shows that the matter in hand is squarely covered by it. It is noteworthy that the order passed in the aforesaid O.A by this Bench of the Tribunal has been affirmed by Hon'ble the Supreme Court of India vide its order dated 1.5.95 (Annex A3). The applicants in the O.A before this Bench of the Tribunal referred to above were also working as Assistants in the same office of the Salt Commissioner situated at Jaipur under the Ministry of Industry and they have been granted the pay scale of Rs.1640-2900. In the facts and circumstances of the present case, there is no doubt that the relief prayed for by identically placed applicants having been allowed by the Tribunal, the present applicants should not have been compelled to come to the Tribunal and the respondents should themselves have

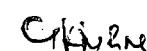
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extended the aforesaid benefits to them. Denial of pay scale of Rs.1640-2900 to the applicants in the circumstances stated above would be highly unfair, unjust and discriminatory.

6. In the result, we direct the respondents to grant the applicants the scale of Rs.1640-2900 with effect from 25.6.1996 or from the date of appointment/promotion to the post of Assistants whichever is later with all consequential benefits. The direction may be carried out within three months by the date of receipt of this order. No order as to costs.



(N.P.Nawani)
Member (A).



(Gopal Krishna)
Vice Chairman.