

THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

O.A. No. 429/2002.
T.A. No.

May kindly see
for
21/8
Held 1/8
200
ve 22/8

DATE OF DECISION _____

Babulal Azad and 315 others.

Petitioner's

Mr. Praveen Balwada

Advocate for the Petitioner(s)

Versus

UOI and two others

Respondent

Ms. Shalini Sheron proxy counsel for
Mr. Bhanwar Bagri.

Advocate for the Respondents(s)

d

CORAM:

The Hon'ble Mr. Justice G.L.Gupta, Vice Chairman.

The Hon'ble Mr. A.K. Bhandari, Administrative Member.

(A.K. Bhandari)
Administrative Member.

(G.L.Gupta)
Vice Chairman.

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.

C.A. No. 429/2002.

Date of Decision: 22.10.02

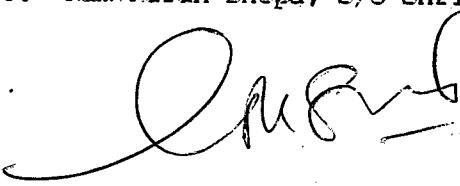
1. Babulal Azad, S/o Ram Dayal.
2. Ashutosh Kumar Sharma, S/o Shri Hari Vallabh Sharma.
3. Arti Kalla, D/o Shri P.N. Razdan.
4. Abdul Jabbar S/o Shri Abdul Hameed Khan.
5. Ashok Sharma, S/o Shri A.N. Sharma.
6. Ms. Anju Gulati, w/o Shri C.P. Gulati.
7. Ashok Rastogi, S/o Shri Kanti Prakash Rastogi.
8. Ailani Laxman Kumar, S/o Shri Hot Chand.
9. Ms. Anita Tanwar Wife of Mohan Lal.
10. A. Umesh Sinha Son of Shri Paras Sinha.
11. Abraham Thomas K, S/o Shri K.T. Thomas.
12. Ashok Kumar Bhati S/o Harballabh Bhati
13. Amba Lal Rawat, S/o Shri Mohan Lal.
14. Ashok Kumar Samaria, S/o Shri Ganpati Lal Samaria.
15. Atiquddin Qureshi S/o Naziruddin.
16. Abdul Sattar, S/o Shri Shaffi Mohammad.
17. Abbas Ali, S/o Shri Kasam Ali.
18. Bhanwar Lal Jangid, S/o Gulab Chand Jangid.
19. Bhanwar Singh Jodha, S/o Shri Bachan Singh.
20. Brijendra Pal Sharma, S/o Shri Bahari Lal Sharma.
21. Erijendra Kumar Sharma, S/o Shri Kewal Krishan Sharma.
22. Bihari Lal, S/o Shri Roop Chand.
23. Ms. Bimla Raina, D/o Shri Narayan Joo Raina.
24. Bhawar Lal Nayak, S/o Shri Gulab Chand.
25. Bhoop Singh Gothwal S/o Shri Lachman Singh.
26. Ms. Beena Shevkani, w/o Shri Ghanshyam Das.
27. Bhagwati Pd. Verma, S/o Shri Narayan Lal.
28. Bheru Lal Meena, S/o Shri Pooni Ram Meena.
29. Babu Lal Meena, S/o Shri Ghisi Lal Meena.
30. Bhagwati Pd. S/o Shri Durga Prasad.
31. Bijendra Pal Sharma, S/o Shri Bihari Lal Sharma.
32. Bishan Lal, S/o Shri Sugan Lal.
33. Bajrang Singh, S/o Shri Bheem Singh.
34. Banwari Lal Khinchi, S/o Shri Mata Ram Khinchi.
35. Bhagwan Shai Jedia, S/o Shri Choti Lal Jedia
36. Eraham Dayal Sharma, S/o Shri Yadav Chand.
37. Beni Prasad Sharma, S/o Shri Kanhaiya Lal.
38. Bhanwar Lal Mahawar, S/o Shri Dhanna Lal Mahawar
39. C.S. Negi, S/o Shri H.S. Negi.
40. Chetan Veer Soddi, S/o Shri Laxman Das Soddi.
41. Chandra Prakash Gulati S/o Shri Trilok Nath Gulati.
42. Chaturbhuj Kumawat, S/o Shri B.L. Kumawat.
43. C.M. Gupta, S/o Shri Bhanwar Lal.
44. Chandra Shekhar, S/o Shri Ram Nath.
45. Chagan Lal Mali, S/o Shri Gyarsi Lal
46. Dauju Ram Pushkar, S/o Shri Phool Singh.
47. Dharam Pal Panjabi, S/o Shri Veer Bhan.
48. Deeki Nandan Sharma, S/o Shri Narain Lal.
49. Devi Lal Bheel, S/o Shri Daulat Ram Bheel.
50. Dwarika Pd. Meena, S/o Shri B.R. Meena.
51. Devendra Kumar Saxena, S/o Shri V.K. Saxena.
52. Deen Dayal Jangir, S/o Shri Kana Ram.
53. Dilip Kumar Sharma, S/o Shri Mohan Lal.
54. Dal Chand II, S/o Shri Bhoma Ram.
55. Daya Mathur, D/o Shri Mahabir Dayal.
56. Devendra Kumar Jain, S/o Shri Raj Mal Jain.
57. Iuli Chand Saini, S/o Shri Anandi Lal.
58. Deepak Lalwani, S/o Shri Rochi Ram.
59. Farhat Ali S/o Shri Safder Ali.
60. Gopal Narayan Manawat, S/o Shri Raghuvan Dayal.


: Applicants.

61. Ganpat Lal Acharya, S/o Shri Suwa Lal
62. Gajaanand Singh, S/o Shri Bhanwar Dan.
63. Gyan Frakash Qamra, S/o Shri V.D. Qamra.
64. Harjinder Singh Brar, S/o Shri Hazura Singh
65. Hafizulla Khan, S/o Shri Mustafa Khan.
66. Ganga Ram, S/o Shri Hot Chand.
67. Govind Sharan Khunsteta, S/o Shsdr. S.N. Khunsteta.
68. Giriraj Krishan Khandelwal, S/o Shri Girdhari Lal.
69. Gajendra Mal Bhandari, S/o Shri B.M. Bhandari.
70. G.R. Assnani, S/o Shri Tek Chand.
71. Govardhan Das, S/o Shri Trilok Chand.
72. Goma Ram Meena, S/o Shri Mool Chand.
73. Himmat Singh Charan, S/o Shri Jai Singh.
74. Hardayal, S/o Shri Ram Pal.
75. Hanuman Gupta, S/o Shri Ram Gopal.
76. Hardas Ladhani, S/o Shri Pessumal.
77. Harish Chandra Gupta, S/o Shri Kalyan Prasad.
78. Hari Ram Meena, S/o Shri Shankar Lal.
79. Harish Chandra Makhija S/o Shri Guman Chand.
80. Hari Singh Jat, S/o Shri Mewa Ram.
81. Hari Narayan Kumawat, S/o Shri R.S. Kumawat.
82. Indra Swaroop Sharma, S/o Shri Brahma Swaroop.
83. Jagdish Prasad Sharma, S/o Shri Bhagwan Sahai.
84. Jwala Pd. Bunkar, S/o Shri Prabhati Lal.
85. Jai Kishan S/o Shri Jagaroop Singh.
86. Ms. Janki Nauatiyal, w/o Shri K.D. Nautiyal.
87. Jai Singh Tanwar, S/o Shri Matu Singh.
88. Jaisa Ram Swami, S/o Shri Phool Chand.
89. Kalu Ram Yadav, S/o Shri L.L. Yadav.
90. Ms. Kalpana Purohit, w/o Shri Satya Narain.
91. Kishan Lal Dulara, S/o Shri Sundar Lal.
92. Kanhaiya Lal Lakshkar, S/o Shri Daya Lal.
93. Kishan Chand Jain, S/o Shri Mitthsan Lal Jain.
94. Kishori Lal Menghrajani, S/o Shri Radha Kishan.
95. Kanta Tekchandani, D/o Shri Chetan Das.
96. Kishor Kumar Swarankar, S/o Shri K.L. Swarankar.
97. Kishan Kumar Chandani, S/o Shri D.L. Chandani..
98. Kamal Kishore, S/o Shri Fritam Das.
99. Ms. Krishna Kumari Maini, w/o Shri Gulshan Rai.
100. Kailash Chand Soni, S/o Shri Suwa Lal.
101. Kailash Advani, S/o Shri Tulsi Ram.
102. Kuldeep Singh Yadav, S/o Shri Narendra Yadav.
103. Kamlesh Gupta, W/o Shri V.P. Gupta.
104. Kishore Tekchandani, S/o Shri G.P. Tekchandani.
105. Kailash Chandra Pathak, S/o Shri Ram Prasad.
106. Kailash Chand Raigar, S/o Shri Shri Narain.
107. Khubi Ram Sain, S/o Shri Ram Kishore Sain.
108. Kishni Bhan, D/o Shri G.L. Kak.
109. Kirni Yacha, D/o Shri Amar Nath Pandit.
110. Kajor Mal Kumhar, S/o Shri Gyarsi Lal.
111. Laxmi Narain, S/o Shri Nathu Ram.
112. Ms. Laxmi Madhani, w/o Shri Leela Ram.
113. Ms. Lalita Madan, w/o Shri K.K. Kathuria.
114. Laxmi Narain Mathur, S/o Shri F.M. Mathur.
115. Ladu Ram Meena, S/o Mool Chand
116. Lala Ram Meena S/o Shri Mool Chand.
117. Mohan Lal, S/o Shri Sugan Lal.
118. Mahesh Chand Choubdar S/o Shri Bihari Lal.
119. Madhu Sudan Rajore, S/o Shri Damodar Lal.
120. Mohan Lal Gupta, S/o Shri Narayan Gupta.
121. Mohan Lal Sain, S/o Shri Chote Lal Sain.
122. Mohan Das Phalod, S/o Shri Banshi Dhar.
123. Mridula Bhargava S/o Shri A.C. Bhargava
124. Mahaveer Pd. Jain, S/o Shri Ghasi Lal Jain.
125. Manmodhan Lal Jangid, S/o Shri Damodar Prasad.

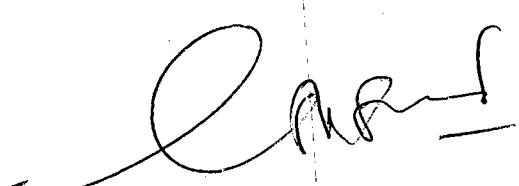
: Applicants.

126. Mohini Bhagat, S/o Shri Hassanand
127. Mohan Lal Biwal, S/o Shri Ganesh Ram
128. Manish Kumar Khbya, S/o Shri Ashok Kumar.
129. Mohan Lal Karamchandani. S/o Shri Dasu Mal.
130. Man Prakash, S/o Shri Budh Ram.
131. Mohd. Shameem Mansoori, S/o Mohd Sayeed.
132. Mahesh Prasad Mathur, S/o Shri Durga Prasad.
133. Mahesh Kumar Acharya, S/o Shri A.R. Acharya.
134. Madan Mohan Agarwal, S/o Shri K.C. Gupta.
135. Mohan Lal Meena, S/o Shri Hajari Lal.
136. Manorama Arora, W/o Shri Vishnu Chandra
137. Moti Ram Senani, S/o Shri Sachumal
138. Meera Girdhani, W/o Shri Mool Chand.
139. Mahesh Kumar Chawla, S/o Shri N.K. Chawla.
140. Mohan Lal Vijay, S/o Shri R.S. Gupta.
141. Madhu Mehta, W/o Shri Ratan Lal.
142. Madhur Saxena, S/o Shri D.P. Saxena.
143. Madan Lal Joghand, S/o Shri Kanhiya Lal Joghand.
144. Man Singh Shekhawat, S/o Shri Nand Kishore.
145. Manju Sharma, D/o Shri S.B. Sharma.
146. Madhuri Saxena, W/o Shri A.P. Saxena.
147. Maya Bhatnagar, W/o Shri K.B. Mathur.
148. Meenakshi Chawla, W/o Shri Durgesh K. Chawla.
149. Mukesh Kumar Jain, S/o Shri Ladli Pdd. Jain.
150. Madan Lal Kankhedia, S/o Shri Lalu Ram Kankhedia.
151. Madan Lal, Bairwal, S/o Shri Chhaju Lal.
152. Nahar Singh, S/o Shri Sulan Ram.
153. Nand Kishore Meena, S/o Shri Narayan Lal Meena.
154. Nemi Chand Kala, S/o Shri Ram Deo Kala.
155. Narajan Lal Meena, S/o Shri Mool Chand Meena.
156. Neelam Sharma, D/o Shri Madan Chandra Sharma.
157. Nathu Lal Sharma, S/o Shri Birdi Chand Sharma
158. Nathu Lal Mahawar S/o Shri Radha Kishan.
159. Naresh Kumar, -I, S/o Shri Hari Lal.
160. Narayan Lal Raigar, S/o Shri Nathu Lal.
161. Nahar Singh Baghela, S/o Shri M.L. Baghela.
162. Neelam Joshi, D/o Shri H.M. Prabhakar.
163. Niranjan Singh Kardam, S/o Shri Lotan Singh.
164. Nemi Chand Godika, S/o Shri Tikam Chand Godika.
165. Nikhil Jangid, S/o Shri Suresh Jangid.
166. Om Prakash Kalani S/o Shri Radhey Shyam Kalani.
167. Om Prakash Chauhan I S/o Shri Nanda aRam.
168. Om Prakash Kumawat, S/o Shri Ram Prasad Kumawat.
169. Pinky Bhatt D/o Shri O.N. Safaya.
170. Prahalad Swaroop Soni, S/o Shri Chiranji Lal Soni.
171. Pradeep Kumar Ssharma, S/o Shri Dinesh Chandra Sharma.
172. Paras Mal Jain S/o Shri Ghisi Lal Ji.
173. Prakash Chand Tholia, S/o Shri Tara Chand Tholia.
174. Pawan Kumar Agarwal, S/o Shri Chaturbhuj Agarwal.
175. Poonam Chand Jain, S/o Shri Kesar Lal Jain.
176. Prem Chandra Dixit, S/o Shri I.C. Dixit.
177. Pheli Ram, S/o Shri Tattu Ram.
178. Prakash Dewani, S/o Shri Moumal Dewani
179. Premji Khant, S/o Shri Veerji Khant.
180. Pradeep Kumar Goyal, S/o Shri Mohan Lal.
181. Prem Prakash Jain, S/o Shri Kani Chand Jain.
182. Paramjeet Kaur, W/o Shri Tarvinder Shah Singh.
183. Prakash Chand Raiger, S/o Shri Suwa Lal.
184. Prita Bhargava, D/o Shri S.N. Bhargava
185. Prahalad Swaroop Meena, S/o Shri Kanhiya Lal Meena.
186. Paramjeet Singh Chawla, S/o Shri Barka Singh.
187. Pasramjeet Ahuja, S/o Shri M.L. Ahuja.
188. Prem Prakash Sharma, W/o Shri Hari Ram Sharma.
189. Ramesh Chand Kayath, S/o Shri Amer Singh Kayath.
190. Ram Karan Bhopa, S/o Shri Bhura Ram

 : Applicants.

191. Ratan Pal Singh Malik, S/o Shri Sudarshan Singh Malik.
192. Randhir Singh, S/o Shri Nanda Ram.
193. Roop Chand Khatri, S/o Shri Lal Chand.
194. Ramji Lal Sharma, Son of Shri Sua Lal Sharma.
195. Raj Sharan Parnami, son of Shri Hem Chand Parnami
196. Ram Ratan Raiger, son of Shri Shridhar Bux.
197. Ramavtar Chhilolia, son of Shri Rameshwar Lal.
198. Reetika Mohan, d/o Shri K.D. Lakhani.
199. Rajesh Kumar Anand son of Shri S.N. Anand.
200. Ratan Singh son shri Sita Ram Saiwal.
201. Rakesh Kumar Sharma son of Shri Suraj Karan Sharma.
202. Ramesh Chandra Garg, son of Shri R.S. Garg.
203. Rajendra Kumar Gupta son of Shri Hari Charan Gupta.
204. Raju Lal Meena son of Shri Ram Sahai Meena.
205. Ravindra Kumar Sharma son of Shri Rameshwar Prasad Sharma..
206. Ramesh Chandra Samaria son of Shri G.R. Samaria.
207. Ram Swaroop Kumawat son of Shri Gulab Chand Kumawat.
208. Rajinder Vijayvargiya son of Shri Rama Nand Vijay.
209. Ravi Kant Gupta son of Shri Sanwal Dass Gupta.
210. Ram Gopal Nai-II son of Shri Ram Nath Nai.
211. Rakesh Maheshwari son of Shri M.C. Maheshwari.
212. Ram Rai Verma son of Shri Jai Kishan Verma.
213. Ram Prasad Meena son of Shri Sukh Pal Meena.
214. Ram Dev Verma son of Shri Nand Ram Verma.
215. Renuka Gupta, w/o Shri R.C. Gupta.
216. Raameshwar Prasad Verma son of Shri Bhura Mal.
217. Roop Chand-II son of Shri Patarya Ram.
218. Ratan Singh Naruka son of Shri Veer Singh Naruka.
219. Rajendra Prasad Saxena son of Shri Durga Prasad Saxena.
220. Rajeshkumar Bagra son of Shri R.L. Bagra.
221. Rafiq Ahmed son of Zahoor Mohd.
222. Rajesh Kumar Arora son of Shri Ram Saran Das.
223. Ram Chander son of Shri Jhetha Ram.
224. Rakesh Sharma son of Shri V.D. Sharma.
225. Radhey Shyam Raiger son of Shri Ganesh Ram Raiger.
226. Ram Sahay Meena son of Shri Bhori Lal Meena.
227. Raj Mohan Meena son of Shri Roopnarain Meena.
228. Raghunath Das son of Shri Mangal Ram.
229. Suresh Chandra Sharma son of Shri Roopnarain Sharma.
230. Santosh Kumar Garg son of Shri Kishan Chand Garg.
231. Suman Lata Saxena wife of Shri F.D. Saxena.
232. Shambhu Dayal Meena son of Shri Nanu Ram Meena.
233. Sushil Kumar Sethi son of Shri Suraj Mal.
234. Shaileendra Singh Dahhiya son of Shri Devi Singh Dahhiya.
235. Samnjeet Maini son of Shri Jagmohan Lal Maini.
236. Shiv Dayal Dakot son of Shri Bhiron Lal.
237. Shobha Sain d/o Shri Chander Shokhor Padiyar.
238. Syed MohdSaeed son of Syed Abdulla.
239. Sanjay Bharti son of Shri Bhagwan das.
240. Sunil Kumar Gupta son of Shri H.N.Gupta.
241. Sunita Nankani wife of Shri D.L. Chandani.
242. Sardar Khan son of Shri Gulab Khan.
243. Sunita Raina D/o Shri O.N. Jalpuri.
244. Sanjay Sharma son of Shri Satish Chandra Sharma.
245. Sushma Gupta wife of Shri M.P. Gupta.
246. Shreyans Kumar Patni son of Shri Shreepal Patni.
247. Sukhram Sharma son of Shri Ram narain Das Sharma.
248. Fushpa Techandani wife of Shri Dhamraj Techchandani.
249. Suresh Kumar Dangayach son of Shri R.L. Dangayach.
250. Sita Ram Meena II son of Shri Balu Ram Meena.

:applicants.



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251. Sanjay Bhatt son of Shri R.C. Bhatt.
252. Satya Prakash Gupta son of Shri Ramesh Chand Gupta.
253. Indu Taneja wife of Shri Jaggar Nath Batara.
254. Suwa Lal son of Shri Ram Lal.
255. Sota Ram Meena-I son of Shri Konri Lal Meena.
256. Sariya Ram Meena son of Shri Kanhiya Lal Meena.
257. Shashi Singh wife of Shri G.C. Sionghi.
258. Shukal Bala Bhutani wife of Shri Om Prakash Patra.
259. Sanjay Kumar Sharma son of Shri R.P. Sharma.
260. Swadesh Kumar Parnami son of Shri Hans Raj Parnami.
261. Sukhdev Kumar Mathur son of Shri Bishan Lal Mathur.
262. Sava Sudha Arya D/o Shri Jai Dev Vedalankar.
263. Shambhu Dayal Verma son of Shri Heera Lal.
264. Shambhu Dayal Singh son of Shri M.L. Agarwal.
265. Sharwan Singh Bhati son of Shri Hari Singh Bhati.
266. Shankar Lal Meena II son of Shri Narang Ram Meena.
267. Saraswati P. Kurup wife of Shri Raman Nair.
268. Suresh Kumar Yadav son of Shri Phanwar Lal Yadav.
269. Sarman Lal son of Shri Jinguriya Ram.
270. Shankar Lal Keswani son of Shri Relu Mal Keswani.
271. Satya Bandhu son of Shri Jai Dev Vedalanka.
272. Santu Lal Koli son of Shri Shambhu Dayal.
273. Sinita Pandit, D/o Shri J.L. Dhar.
274. Shesh Narayan Sain son of Shri G.L. Sain.
275. Sandhya Raina, d/o Shri R.K. Raina
276. Sushil Kumar Madan-I son of Shri Jatan Ram Madan.
277. Sunder Singh Gahlot son of Shri Ram Chandra.
278. Satish Kumar Dushad son of Shri Jai Narain Dushad.
279. Tota Ram Sharma son of Shri Natthan Lal Sharma.
280. Trilochan Singh Ahuja son of Shri Mahendra Singh Ahuja.
281. Umardeen Khan son of Shri Taswar Khan.
282. Usha Singh wife of Shri M.S. Gahlot.
283. Veerendra Kumar Sharma son of Shri Matadeen Sharma.
284. Vishram Meena son of Shri Hari Ram Meena.
285. Vijay Kumar Saxena son of Shri H.P. Saxena.
286. Vishwa Prakash Singh son of Shri S.B. Singh.
287. Vinod Kumar Sharma son of Shri Vishwa Priya Sharma.
288. Varsha Bhati wife of Shri B.J. Vaidya.
289. Vimal Chand Jain son of Shri Ram Niwas Jain.
290. Vinay D/o Shri Ram Ratan Singh.
291. Vahid Miyan son of Karim.
292. Vasdev Bhamhani son of Shri Moolchand Bhamhani.
293. Vijay Laxmi Batra son of Shri A.K. Patra
294. Vimal Bhandari son of Shri Nemi Chand Abani.
295. Yogesh Kumar Savita son of Shri M.P. Savita.
296. Ishwar Lal Meharchandani son of Shri Satram Das.
297. Jagdish Prasad Meena son of Shri Phanwar Lal Meena.
298. Meena Kishnani d/o Shri Govind Ram.
299. Asaduddin son of Sayed Moniuddin.
300. Qdar Mal son of Shri Sewa Ramji.

: Applicants.



301. Prabha Shankar Sharma son of Shri Amba Shankar Sharma.
302. Ramzani Khan son of Chand Khan.
303. Ravindra Kumar Jain son of Shri S.P. Jain.
304. Rishabh Kumar Jain son of Shri Padam Chand Jain.
305. Shiv Dayal Sharma son of Shri Hari Ram Sharma.
306. Shailender Kumar son of Shri R.N. Prabhakar.
307. Tej Karan Parashar son of Shri G.C. Parashar.
308. Vinod Kumar Swami son of Shri LaxmiNarain Swami.
309. Hukan Chand son of Shri K.M. Sharma.
310. Ramesh Chand Sharma I son of Shri Mahadev Prasad Sharma.
311. Ram Bharosi son of Shri Bhawana.
312. Sita Ram Bairwa son of Shri Birdi Chand Bairwa.
313. Smt. Sharda Srivastava wife of Shri K.D. Srivastava
314. Sudhir Kumar Gupta son of Shri L.R. Gupta.
315. Shiv Ratan Swami son of Shri G.D. Swami.
316. Laxmi Narain Swami son of Shri Lallu Ram.

: Applicants.

All presently posted as Senior Accountants working in the office of Accountant General (A & E) Rajasthan, Jaipur. Rajasthan.

versus.

1. The Union of India through its Secretary, Ministry of Finance, Department of Expenditure, New Delhi.
2. The Comptroller and Auditor General of India, 10 Bahadur Shah Zaffar Marg, New Delhi.
3. The Accountant General (A & E) Rajasthan Jaipur.

: Respondents.

Mr. Praveen Balwada : Counsel for the applicants.

Ms. Shalini Sheron proxy
counsel for Mr. Bhanwar Bagri: Counsel for the respondents.

CORAM.

The Hon'ble Mr. Justice G.L.Gupta, Vice Chairman.

The Hon'ble Mr. A.K. Bhandari, Administrative Member.



O R D E R

Per Mr. Justice G.L.Gupta:

316 applicants seek direction to the respondents to grant them the pay scale of Rs.5500-9000 with effect from 01.01.96 with all consequential benefits.

2. The applicants are Senior Accountants employed in the Accountant General (A&E) Rajasthan, Jaipur. It is averred that as on 01.01.96, the pay scale of the applicants, Senior Auditors in the Indian Audit and Accounts Department (IA&AD for short) and of the Assistants in the Central Secretariat was Rs.1400-2600, but on under a decision rendered by the Central Administrative Tribunal, Principal Bench in O.A No. 1533/97, the Assistants of the Central Secretariat were allowed the pay scale of Rs.1640-2900 with effect from 01.01.96, vide Office Memorandum dated 31.07.90. Thereafter, it is stated, the Senior Auditors in the IA&AD were granted the same pay scale of Rs.1640-2900, vide decision of the Guwahati Bench dated 16.09.2002, but the applicants have not been granted the pay scale of Rs.1640-2900. The applicants made representations but they were not replied. On a further representation dated 29.05.2002, the applicants were informed vide communication dated 10.06.2002, Annex. A.1, that their representation was forwarded to the Comptroller and Auditor General, New Delhi. It is pleaded that there is no effective or convincing reasons to deny the applicants the pay scale of Rs.1640-2900, since the duties and responsibilities of the applicants are no less onerous than that of the Assistants in the Central Secretariat. It is also averred that the audit and accounts functions are complementary to each other and are generally performed in many government offices in an integrated manner and when the claim of the Senior Auditors in the IA & AD has been accepted, there cannot be a valid justification to deny the applicants the benefit of the higher scale.

3. In the counter, the respondents have resisted the claim of the



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applicants on various grounds. It is averred that the nature of duties and responsibilities of the Assistants in the Central Secretariat is entirely different from the nature and duties of the applicants. The method of recruitment is different and the recruitment rules of the two services have been framed under different provisions of the Constitution of India. It is averred that the fixing of the scale of pay is the function of the administrative authorities and the Court should not interfere in the matter.

4. We have heard the learned counsel for parties and perused the documents placed on record.

5. The contention of the learned counsel for the applicants was that the applicants are similarly situated persons and therefore a direction may be given to the respondents to grant the pay scale of Rs.1640-2900 in terms of the Judgement of the Guwahati High Court.

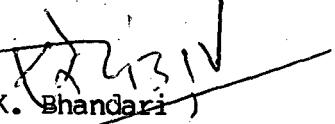
6. On the other hand, the learned counsel for the respondents pointing out that Special Leave Petition has been filed before the Supreme Court against the order of the Guwahati High Court, contended that no directions should be given in terms of the judgement of the Guwahati High Court. She canvassed that in the matter of pay scale, this Court should not interfere.

7. It is settled legal position that in the matter of pay scales, normally the Courts should not interfere. The pay scales are fixed on the recommendations of the expert bodies like the pay commissions.

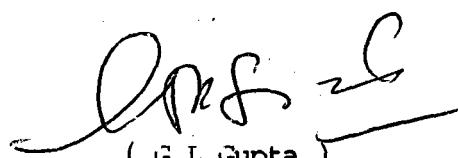
8. Keeping in view the facts that the representation of the applicants is still under consideration of the competent authority, and that the decision rendered in the case of Union of India and others vs. Shri Hiranmoy Sen and others (W.P (c) No. 7599 of 2001 decided on 16.09.2002) is under challenge before the Apex Court, we do not think it proper to

decide the case on merits. It is also seen that the applicants are claiming the pay scale of Rs.5500-9000 with effect from 01.01.86. There was no such pay scale available to the Assistants of the Central Secretariat as on 01.01.86. We think it proper to dispose of this O.A by giving directions to the respondents to consider and dispose of the representation of the applicants within a fixed time limit.

9. Consequently, the respondents are directed to consider and dispose of the representation of the applicants (Annex. A.4), within a period of 6 months from the date of communication of this order. The O.A stands disposed of accordingly. No order as to costs.


(A.K. Bhandari)

Administrative Member.


(G.L. Gupta)

Vice Chairman.

jsv.