

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 8th day of February, 2005

ORIGINAL APPLICATION NO.364/2003

CORAM:

HON'BLE MR.M.L.CHAUHAN, MEMBER (JUDICIAL)
HON'BLE MR.A.K.BHANDARI, MEMBER (ADMINISTRATIVE)

1. Hari Om Sharma s/o Shri Tunda Ram
2. Ashok Kumar Mathur s/o Shri P.K.Mathur
3. Ashok Kumar Batra s/o Shri Tejbhan Batra
4. Bannu Lal Jain s/o Shri L.N.Jain
5. Murlidhar Verma s/o Shri Bhana Ram.
6. Rajendra Mohan Mathur s/o Shri Man Mohan Lal Mathur
7. Surendra Kumar-II s/o Shri Banshi Lal Sharma
8. Ram Prasad Meena s/o Shri Panna Lal
9. Smt. Vandana Agnihotri w/o Shri Anil Agnihotri
10. Smt. Vidhya Goyal w/o Shri Bhupendra Goyal
11. Brahmanand s/o Shri Mukh Ram
12. Suraj Mal Chandolia w/o Shri Ram Dev
13. K.L.Yadav s/o Shri C.L.Yadav
14. G.S.Sharma s/o Shri Ramji Lal Sharma
15. K.N.Shrotriya s/o Shri Radha Shyam
16. Harshvardhan Pareek s/o Shri Madan Mohan
17. Ram Avtar Shandilya s/o Shri Jagannathji Sharma
18. C.M.Jangid s/o Shri Mangi Lal Jangid
19. R.K.Bhojak s/o Shri Ram Kumar Bhojak
20. Sohan Lal s/o Shri Jagannath Sahai,
21. O.P. Khandelwal s/o Shri K.L. Khandelwal
22. Hajari Lal Meena s/o Shri Raghunath
23. Shyam Veer Singh s/o Shri Ranjeet Singh
24. K.D. Nagar s/o Shri Basant lal
25. Smt. C.P. Mehta w/o Shri J.R. Mehta
26. Smt. Sudha Deewan w/o Shri J.K. Deewan
27. Smt. Indira Srivastava w/o Shri D.C. Srivastava
28. Smt. Jamuna Shivnani w/o Dinesh Kumar
29. Smt. Radha Devi Parashar w/o Shri R.P. Parashar
30. G.K. Pareek son of Shri Ghanshyam Pareek
31. B.H. Jhanjani son of shri Hira Nand
32. Shri R.C. Sagar wife of Shri S.L. Sagar
33. Mool Chand Meena son of Shri Rewad Mal Meena
34. Gokul Narain Meena son of Shri Mahadeo Ji
35. R.K. Mehandiya son of Shri Bodhan Ram
36. N.K. Pareek son of Shri Ghanshyam Pareek
37. Smt. Krishna Singhal wife of Shri P.C. Singhal
38. Prakash Lal Kalara son of Shri Vishan Das

39. Nathu lal Mehra son of Shri Jai Lal
 40. O.P. Sharma son of Shri Manna Lal
 41. S.K. Tekchandani son of Shri Guru Bux
 42. S.N. Pareek son of Shri Ladu Ramji
 43. Lakhpant Chand Bhandari son of Shri Dashrath
 Chand Bhandari
 44. Prem Chand Saini son of Shri Lal Chand Saini
 45. Yogendra Kumar Tiwari son of Shri Satya Narain
 46. M.A. Khan son of Shri A. Rehman
 47. D.P. Bajpayee son of Shri Durga Prasad
 48. K.K. Bgaria son of Shri Paras Ram
 49. C.S. Bhati son of Shri Sohan Singh Bhati
 50. Ram Pal Meena son of Shri Bharat Ram
 51. Laxmi Kant Chaudhary son of Shri Babu Lal
 Chaudhary
 52. D.L. Pareek son of Shri Madan Gopal
 53. Sanwar Mal Tailor son of Shri Gulab Chand
 54. Rajesh Singh Negi s/o Shri Kishan Singh
 55. B.S. Gupta s/o Shri Jannath Prasad
 56. S.N. Garg s/o Shri Ram Gopal
 57. Rajesh Lalwani s/o Shri Choit Ram
 58. Madan Lal Sharma s/o Shri Kanti Ram
 59. S.K. Joshi s/o Shri Mool Chand
 60. Heera Singh s/o Shri Prabhat Singh
 61. Raj Mohan Sharma s/o Shri Satya Narayan
 62. B.K. Chaturvedi s/o Shri K.K. Chaturvedi
 63. J.N. Sharma s/o Shri Moti Lal
 64. Chola Ram Soni s/o Shri Mirchu Mal
 65. Lalu Ram Raigar s/o Shri Jannath Ram
 66. B.L. Kumawat s/o Shri Kalyan Sahai
 67. Sukh Ram Tobadiya s/o Gopal Ram
 68. R.B. Verma s/o Shri Kishan Singh
 69. D.D. Sharma s/o Shri Kamal Nayan
 70. Madhukar Pareek s/o Shri Mohan Lal
 71. Hari Narain Meena s/o Shri Girdhari Lal
 72. Narayan Lal Meena s/o Shri Raghunath Meena
 73. R.P. Yadav s/o Shri S.R. Yadav
 74. R.N. Verma s/o Shri Ganesh Ram
 75. J.K. Jain s/o Shri Ratan Lal
 76. A.K. Bhatt s/o Shri A.L. Bhatt
 77. S.N. Sharma s/o Shri B.N. Sharma
 78. M.N. Paliwal s/o Shri H.N. Paliwal
 79. Prem Sukh Vishnoi s/o Shri Kalu Ram
 80. Ram Niwas Tailor s/o Shri Kalyan Mal
 81. D.D. Verma s/o Shri V.R. Verma
 82. Devi Lal s/o Shri Ganpat Lal
 83. Sugan Chand Sharma s/o Shri Tikam Chand Sharma
 84. Suraj Mal Kamlesh s/o Shri Mangi Lal
 85. Raj Kumar Sharma s/o Shri Vishan Lal
 86. Gauri shanker Cheepa s/o Shri Kesar Lal
 87. Smt. Krishna Kataria w/o Shri S.S. Kataria
 88. Shiv Kumar Sharma s/o Shri M.R. Sharma
 89. Kalu Ram Mundotia s/o Shri Kanhaiya Lal
 90. K.C. Bhandari s/o Shri Manak chand
 91. Avinash Swaroop Mathur s/o Shri Bhawani Lal

92. Smt. Om Rani Saxena w/o Shri Sudesh Lal
 93. Mahendra Singh Jhala s/o Shri Ratan Singh
 94. Laxmi Narain Meena s/o Shri Nand Lal
 95. P.D.Gupta s/o Shri Ram Swaroop
 96. K.L.sharma s/o Shri Mool Chand
 97. P.S.Gongia s/o Shri A.S.Gongia
 98. Tara Chand Mahawar s/o Shri G.R.Mahawar
 99. Rajesh Sharma s/o Shri Narain Sharma
 100. Smt. Chandraprabha Srivastava w/o Shri B.P.Srivastava.
 101. Kishan Singh s/o Shri Khadag Singh
 102. Sedu Ram Verma s/o Shri Ganesh Narain
 103. Hari Narain Meena-II s/o Shri Kalyan Sahai
 104. Rajendra Kumar Jain s/o Shri Gulab Chand
 105. R.N.Gupta s/o Shri Ganga Lahari
 106. K.N.Mathur s/o Shri N.L.Mathur
 107. Jai PRakash Chaudhary s/o Shri Ram Swaroop
 108. Sudhindra Singh s/o Shri Rekh Ram
 109. Shri Ram Bijarniya s/o Shri Hanuman Singh
 110. Smt. Kamlesh sharma w/o Shri Ashok Kumar Sharma
 111. S.K.Jain s/o Shri Raj Kumar
 112. Babu Lal s/o Shri Tej Singh
 113. S.K.Bajpayee s/o Shri R.L.Bajpayee
 114. M.L.Kaka s/o Shri Arun Das
 115. Ashok Kumar Sharma s/o Shri Heera Nand
 116. C.M.Pareek s/o Shri B.N.Pareek
 117. Roop Chand Titaria s/o shri Chaina Ram
 118. C.B.Singh s/o Shri Rodhani Singh
 119. A.K.Singh s/o Bijendra Pal Singh
 120. Dharamveer Arya s/o Shri Ranjeet Singh
 121. Harbhajan Lal s/o Shri Moola Ram
 122. S.K.Saxena s/o Shri R.B.Saxena
 123. C.L.Sanvaria s/o Shri Hateela Ram
 124. Raj Kumar Saxena s/o Shri Magan Bihari
 125. K.C.Jain s/o Shri Ghaver Chand Jain
 126. Vishvabhandhu Vashistha v/o Shri C.B.Vashistha
 127. D.C.Thatera s/o
 128. Mohan Lal Sharma s/o Shri Mangi Lal
 129. P.R.Suriliya s/o Shri Sita Ram
 130. J.L.Banshiwal s/o Sunda Ram
 131. Smt. Maya Asnani w/o Shri Gangadhar Asnani
 132. Shubhkai Chand Bhandari s/o Shri Bhanwar Chand Bhandari
 133. Surendra Lal Parakh s/o Shri Kanak Mal
 134. D.S.Verma s/o Shri Shyam Singh
 135. Smt. Nirmala Harsinghani w/o Shri H.N.Harsinghani
 136. R.R.Mehta s/o Shri Narpat Raj
 137. Geetam Singh s/o Shri Dhop Singh
 138. S.P.Maurya s/o Shri Gyana Ram
 139. Umrao Singh Meena s/o Shri Hanuman Ram
 140. Smt. Savita Jain w/o Shri I.P.Jain
 141. R.K.Verma s/o Shri Lala Ram
 142. Surendra Kumar s/o Shri Inder singh
 143. Uday Ram Tank s/o Shri Vishnu Bhai

144. Har Lal s/o Shri Babul al
145. Indra Singh s/o Shri Kudarat Singh
146. Bhagwan Sahai Sharma s/o Shri Ram Niwas
147. Mohan Lal Meghwal s/o Shri Ganpat Ram
148. J.K. Agarwal s/o Shri Ganga Sahai
149. Babu Lal Sharma s/o Shri Ram Kishore Sharma
150. Smt. Yashoda Bhagwani w/o Shri Kushi Ram
151. Gulab Chand Kumawat s/o Shri Vijai Lal
152. R.N. Nayak s/o Shri N.M. Nayak
153. P.D. Solanki s/o late Shri Devi Lal
154. Vidhyadhar Dave s/o Shri Madan Lal Dave
155. S.L. Parihar s/o Shri Chaman Lal Parihar
156. R.S. Meena s/o late Shri Bhagwati Prasad

.. Applicants

(By Advocate: Shri Hemant Gupta)

Versus

1. Union of India through
Secretary, Ministry of Personnel,
Public Grievances and Pension (Department of
Personnel and Training), North Block, New Delhi.
2. The Secretary, Ministry of Finance, Department of
Expenditure, North Block, New Delhi.
3. The secretary, Ministry of Communication,
Department of Posts, New Delhi.
4. The Director General Post, P.A. Wing, Dak Bhawan,
Sansad Marg, New Delhi.
5. Director of Accounts (Postal), Tilak Nagar,
Jaipur.

.. Respondents

(By Advocate: Shri Tej Prakash Sharma)

ORIGINAL APPLICATION No. 365/2003

1. H.D. Dube s/o Shri late Shri Duli Chand Dube
2. R.S. Kumbhat s/o late Shri N.R. Kumbhat
3. G.R. Meena s/o late Shri Tanna Ram Meena

4. V.K.Gour s/o late Shri S.L.Sharma
5. R.S.Mali s/o late Shri Nathu Ram
6. L.C.Meena s/o Shri Ram Gopal Meena
7. B.R.Meena s/o Shri Ram Chandra Meena
8. R.K.Puri s/o Shri P.L.Puri
9. N.K.Verma s/o Shri Sukh Pal
10. G.D.Meena s/o Shri B.L.Meena
11. S.N.Kasadia s/o Shri Heera Lal
12. S.C.Garg s/o late Shri R.K.Garg
13. Smt. Rajlakshmi w/o Shri V.S.Mali
14. M.K.Koul s/o late Shrinath Koul
15. Prakash Golani s/o late Shri Tirath Das Golani
16. Ramjilal Meena s/o late Shri Kalu Ram Meena
17. S.L.Gunsaria s/o late Shri Amar lal Gunsaria
18. R.K.Meena s/o late Shri Kanchan Meena
19. S.S.Jain s/o late Shri Milap Chand Jain
20. K.C.Somvanshi s/o Shri Ramdhan
21. R.M.Meena s/o late Shri Onkar Mal Meena
22. S.C.Malik s/o late Shri L.R.Malik
23. Ratan Lal Meena s/o Shri Chhaju Ram
24. Girraj Prasad s/o Shri Kamal Kishore
25. R.P.Meena s/o late Shri S.R.Meena
26. R.S.Meena s/o Shri Sugana Ram Meena
27. B.K.Mishra s/o K.N.Mishra
28. P.L.Meena s/o Shri Mangi Lal
29. S.K.Sharma s/o Shri P.L.Sharma
30. Chetan Lal s/o late Shri Bhanwar Lal
31. Laxman Singh s/o late Shri Nathu Singh
32. K.L.Bundel s/o late Shri S.N.Bundel
33. B.C.Sharma s/o shri Ram Dayal Sharma
34. J.N.Narsinghani s/o Shri D.I.Narsinghani
35. N.K.Vaishnev s/o Shri Ram Babu
36. R.C.Motice s/o late Shri Jawarji
37. Shyam singh s/o shri Chiranji Lal
38. G.P.Meena s/o late Shri Jas Raj Meena
39. Smt. Usha Singh w/o Shri S.P.Singh
40. Smt. Asha Malik w/o Shri B.D.Malik
41. R.C.Meena s/o Shri Ramdhan Meena
42. S.L.Meena s/o shri Ram Pratap Meena
43. Chaman Singh s/o Shri Raja Ram
44. Hari Prakash s/o Shri S.S.Chaturvedi
45. Julmi Ram s/o Shri B.R.Meena
46. R.L.Meena s/o Shri K.R.Meena

.. Applicants

(By Advocate : Shri Hemant Gupta)

Versus

1. Union of India through Secretary, Ministry of Personnel, Public Grievances and Pension

(Department of Personnel and Training), North Block, New Delhi.

2. The Secretary, Ministry of Finance, Department of Expenditure, North Block, New Delhi.
3. The Secretary, Ministry of Defence, South Block, New Delhi.
4. The Controller General of Defence Accounts, West Block-V, R.K.Puram, New Delhi.
5. The Principal Controller of Defence Accounts (Southern Command), Pune, Maharashtra.
6. Controller of Defence Accounts (Pension Disbursement), Meerut.

.. Respondents

(By Advocate : Mr. V.K.Jain, proxy counsel to Mr. Gaurav Jain)

ORDER (ORAL)

By this common order, we propose to dispose of both these Original Applications as common question of facts and law is involved in these cases.

2. Briefly stated, facts of the case are that the applicants who are members of Organized Accounts Department and belong to category of Senior Auditor/Accountant in the Defence Accounts/Ministry of Communication seek parity in pay scale with the Assistants of the Central Secretariat Service. Previously, number of Original Applications were filed by the persons belonging to this category for grant of scale equivalent to Assistants working in the Central

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Secretariat Service at different Benches. One of such OA was filed before the CAT- Gawahati Bench which was registered as OA No.45/92. The said OA was disposed of vide order dated 2.11.94 whereby the respondents were directed to re-examine the question and take suitable decision afresh without postponing the issue to the report of the 5th Central Pay Commission. However, subsequently some Senior Auditors in the Indian Audit and Accounts Department filed another OA No.85/2000 before the CAT-Guwahati Bench which was also disposed of vide order dated 19.1.2001 whereby the decision taken by the respondents vide order dated 4.2.2002 was quashed and set-aside and directions were given to the respondents to implement the order of the Tribunal passed in OA No.45/92 as well as the order dated 14.9.1999 passed in OA No.63/97 forthwith and to give all consequential benefits to the applicants in the said OA. Thereafter the matter was considered by the Group of Ministers who have decided to file Writ Petition against the order dated 19.1.2001 passed by the CAT-Guwahati Bench. Consequently, Writ Petition No. 22/98 on the same subject matter was also filed in the High Court of Himachal Pradesh, Shimla. It is further stated that direction given by the Hon'ble Tribunal in the aforesaid judgment was considered by the respondents and after collecting all necessary inputs in this regard and with the approval of the Cabinet granted higher pay scale to the applicants *in*

notionally w.e.f. 1.1.1996 taking into consideration financial implications involved in the matter and other relevant factors. Accordingly, the respondents issued OM dated 28.2.2003 thereby indicating that the Govt. Of India has approved grant of higher pay scale for Accounts staff on notional basis w.e.f. 1.1.96 with actual payment being made prospectively keeping in view the pay scale of corresponding category in various organized accounts cadre. The grievance of the applicants in these OAs are that they are entitled to actual payment w.e.f. 1.1.96 on the basis of decision rendered by the Hight Court of Himachal Pradesh in CWP No. 22/98 instead of notional basis as allowed by the respondents vide order dated 28.2.2003. It is on this basis, the applicants have filed these OAs thereby praying that respondents be directed to fix the applicants in the pay scale of Rs. 1640-2900 from the date it was granted to the Assistants of the Central Secretariat i.e. 1.1.96 with all consequential benefits including arrears of pay alongwith interest @ 18% per annum.

3. Notices of these applications were given to the respondents. The respondents have filed reply. The facts as stated above, has not been disputed. However, it has been stated ^{That} the Principal Bench at New Delhi in its judgment dated 22.4.2003 in OA No.2584/2002 and in MA No.33/2003 filed by Shri P.Prasad and others up

held the government decision dated 28.2.2003 granting higher pay scale to the organized accounts department notionally w.e.f. 1.1.96 with actual benefits from February 19, 2003. Regarding grant of financial benefits from 1.1.96 pursuant to the judgment rendered by Hon'ble High Court of Himachal Pradesh in WP No.22/88, it has been stated that identical controversy involved in WP No.22/98 has been challenged before the Supreme court of India in SLP [c] No.13333 of 2003 which is against the judgment of the Guwahati High Court wherein the Supreme Court has stayed the operation of the judgment passed by the High Court. The respondents have also placed on record copy of the order dated 1.9.2003 passed by the Hon'ble Supreme Court as Ann.R3 with their reply. Thus, according to the respondents, the applicants are not entitled to arrears of salary in the pay scale of Rs. 1640-2900 w.e.f. 1.1.96.

4. We have heard the learned counsel for the parties and gone through the material placed on record.

5. It is not in dispute that the applicants were not being granted the pay scale at par with the Assistants of the Central secretariat. For that purpose, a number of Original Applications were filed by the staff belonging to organized Accounts Department. It is also not in dispute that subsequently the respondents

agreed to grant pay scale to the staff belonging to the organized accounts department at par with Assistants of the Central secretariat vide OM dated 28.2.2002. However, such pay scale was granted on notional basis w.e.f. 1.1.1996 with actual benefit being made from 19.2.2003. It is also not in dispute that directions were given by the Hon'ble High Court of Guwahati and the Hon'ble High Court of Himachal Pradesh in the aforesaid ~~CW~~ that the staff belonging to organized accounts department is entitled for actual benefit w.e.f. 1.1.96 instead of notional basis. It is also not in dispute that the matter in controversy is pending before the Hon'ble Supreme Court in SLP [c] No. 13333 of 2003 filed by the respondents against the judgment rendered by the Guwahati High Court. It is also not in dispute that the Hon'ble Supreme Court has stayed the operation of the judgment of the Guwahati High Court with the Observation that the appellant shall continue to give the pay scale as per letter dated 28th February, 2003 meaning thereby that the applicants are receiving payment in the aforesaid pay scale on actual basis w.e.f 19.2.2003. Thus, the controversy remains whether the applicants are entitled for actual payment in the aforesaid scale for a period w.e.f. 1.1.96 to 18.2.2003 or they are entitled for the aforesaid pay scale on notional basis without any actual payment. As already stated above, since the Hon'ble Supreme Court

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is already seized of the matter and the Hon'ble Supreme Court has also stayed the operation of the judgment passed by the High Court of Guwahati in SLP [c] No. 13333 of 2003, as such no effective relief can be granted to the applicants in these OAs. Thus, we are of the view that ends of justice will be met if following order is passed in these OAs.

6. Accordingly, the OAs are disposed of with the direction that the claim of the applicants for grant of actual payment w.e.f. 1.1.96 to 18.2.2003 on actual basis would be regulated based upon the judgment of to be rendered by the Hon'ble supreme Court in SLP [c] No.13333 of 2003. With these directions, both the OAs are disposed of with no order as to costs.

(A.K.BHANDARI)

(M.L.CHAUHAN)

Member (A)

Member (J)