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**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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Dismissed date-26/8/04

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SECTION OFFICER (Judl.)

FORM NO. 4
(See Rule. 42)
CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH,
GUWAHATI.

ORDER SHEET

Original No. 78/2002
Misc. Petition No.
Contempt Petition No.
Review Application No.

Applicant(s) Keshab Sarma Joms

Respondent(s) W.O.P Joms

Advocate for Applicant(s) B.D. Goswami, S. Borahakar

Advocate for Respondent(s) Add. C.G.S.C. A.K. Choudhury

Notes of the Registry	Date	ORDER OF THE TRIBUNAL
<p>The application form C.F. No. 148/2002 Dated 5/3/02 Dy. Registrar PA</p> <p><i>Steps taken</i></p> <p><i>Envelopes not supplied by the applicant. Notice prepared and sent to D/S for why the respondents No 1 to 4, by Regd. Ass.</i></p> <p><i>D/No 804 W 807</i> <i>Dtd 12/3/02</i></p>	<p>8.3.02</p>	<p>Heard Mr. B.D.Goswami, learned counsel for the applicant and also Mr. A.K.Choudhury, learned Addl. C.G.S.C. for the Respondents.</p> <p>Issue notice to show cause as to why the application shall not be admitted. Returnable by four weeks.</p> <p>List on 9.4.2002 for admission. Endeavour shall be made to dispose of the same at the admission stage.</p>
<p><i>mb</i></p>	<p>9.4.02</p>	<p>List again on 9.5.2002 to enable the Respondents to file reply, if any. The matter shall be disposed of at the admission stage.</p>
<p><i>mb</i></p>	<p>8.4.02</p>	<p></p>

Heard Mr. B.D.Goswami, learned counsel for the applicant and also Mr. A.K.Choudhury, learned Addl. C.G.S.C. for the Respondents.

Issue notice to show cause as to why the application shall not be admitted. Returnable by four weeks.

List on 9.4.2002 for admission. Endeavour shall be made to dispose of the same at the admission stage.

K. Ushary
Member

[Signature]
Vice-Chairman

List again on 9.5.2002 to enable the Respondents to file reply, if any. The matter shall be disposed of at the admission stage.

K. Ushary
Member

[Signature]
Vice-Chairman

- ① Service report are still awaited.
- ② No. show cause has been filed.

mb
8.4.02

2

9.5.02 Adjourned on the prayer of Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the Respondents. List on 24.5.2002 to enable the Respondents to file written statement or to obtain necessary instructions. Endeavour shall be made to dispose of the same on that day.

K. U. Sharma
Member

[Signature]
Vice-Chairman

mb

24.5.02

Post the matter on 28.5.2002 for admission and disposal.

23.5.2002

W/s Submitted

by the Respondent Nos. 1, 2, 3 & 4.

[Signature]
Vice-Chairman

[Signature] mb

24.5.02

Heard Mr. B.D. Goswami, learned counsel for the applicant and also Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the respondents.

*Received copy
AK Choudhury
Addl. C.G.S.C.
12/6/02*

The application is allowed in the light of the orders in the separate sheets. No order as to costs.

K. U. Sharma
Member

[Signature]
Vice-Chairman

mb

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./~~R~~ XX No. 78 of. 2002.. . XX

DATE OF DECISION 16.6.2002.....

Sri Keshab Sharma & 11 Others. APPLICANT(S)

Mr.B.D.Goswami & S.Borthakur. ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

Union of India & Others. RESPONDENT(S)

Mr.A.K.Chaudhuri, Addl. C.G.S.C. ADVOCATE FOR THE
RESPONDENTS.

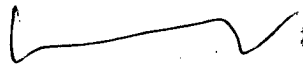
THE HON'BLE MR JUSTICE D. N. CHOWDHURY, VICE CHAIRMAN.

THE HON'BLE MR K. K. SHARMA, ADMINISTRATIVE MEMBER.

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

5.

Judgment delivered by Hon'ble Vice-Chairman.



CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.78 of 2002.

Date of Order : This the 6th Day of June,2002.

THE HON'BLE MR JUSTICE D. N. CHOWDHURY, VICE CHAIRMAN.

THE HON'BLE MR K. K. SHARMA, ADMINISTRATIVE MEMBER.

1. Sri Keshab Sharma
S/o Late Mahesh Ch.Sharma
R/o Quarter No.B-16
UDAYAN VIHAR Complex
Guwahati, Assam.
2. Sri Anup Sur
S/o Sri Tarun Kr.Sur
R/o Adabari Colony
Guwahati-12, Assam.
3. Sri Dipak Sarma
S/o Lat Churananda Sarma
R/o Chenikuthi Hill Side
Guwahati-3, Assam.
4. Sri Monai Kr. Bujar Barua
S/o Lt. Mahendra Nath Bujar Barua
R/o Rukminigaon, Guwahati-22
Assam.
5. Smt Gita Kalita Saikia
W/o Sri Diganta Saikia
R/o AIDC, R.G.Baruah Road
Guwahati-22, Assam.
6. Sri Deepanjan Choudhury
S/o J.C.Choudhury
R/o 264 U Tirot Sing Nagar
Umpling, Shillong-793 006
Meghalaya.
7. Sri Ramayan Singh
S/o Krishna Singh
R/o Pythorumkhrah
(Opp.MLP Dog Squad), Shillong
Meghalaya.
8. Sri Rajen Kr. Lama
S/o Late Chhan Bahadur Lama
R/o Demtring, Nongthymmai
Shillong, Meghalaya.

Contd./2

9. Smti Valaria Marbaning
W/o Sri Rajen Kr.Lama
R/o Demthring, Nongthymmai
Shillong, Meghalaya.
10. Sri Ganesh Bahadur Thapa
S/o Late Churamani Thapa
R/o 3rd Mile, Old Fruit Garden
P.O:- Umlyngka Upper Shillong
Shillong-793 005, Meghalaya.
11. Smti Genevieve Dkhar
W/o Sri Ningthen Singh
R/o Rynghi Jyriew, Upper Nongthymma
Shillong-793 014
Meghalaya.
12. Smti Dathitbha Challan
S/o Be Kyndiah
R/o Lower Mawprem
Dedon Road, Shillong-793 002
Meghalaya. . . . Applicants.

By Advocates Mr.B.D.Goswami & S.Borthakur.

- Versus -

1. The Union of India
Represented through the Government
of India, Ministry of Defence
South Block, New Delhi.
2. The Controller General of Defence Accounts
West Block, V.R.K.Puram
New Delhi - 110 066.
3. The Controller of Defence Accounts
UDAYAN BIHAR COMPLEX, Narengi
Guwahati-171.
4. The Asstt. Controller of Defence Accounts
Group Officer (Administration)
Office of the CDA
UDAYAN VIHAR, Narengi
Guwahati - 171. . . . Respondents.

By Mr.A.K.Chaudhuri, Addl.C.G.S.C.

O R D E R

CHOWDHURY J.(V.C.) :

This is an application under Section 19
of the Administrative Tribunals Act, 1985 seeking for

direction upon the respondents to provide the applicants the pay scale of Rs.1350/- to 2200/- revised to Rs.4500- to 7000/- w.e.f. 1.1.86 or the respective dates of appointment whichever is later. The applicants also assailed the legality and validity of the order dated 6.2.2002 issued by the Assistant Controller Defence Accounts, Group Officer (Admn). The basic facts giving rise to this application are set out herein below :

1. The applicants are twelve in number who are serving as Date Entry Operator (DEO for short) in the Controller Defence Accounts Department of the Govt. of India under the Ministry of Defence of the Central Govt. The applicant Nos.1 to 4 were initially appointed as Junior Key Punch Operator in the pay scale of Rs.950/- 1400/- in the year 1988-89. The post of Junior Key Punch Operator was thereafter redesignated as DEO Grade-A w.e.f.11.9.89 in the pay scale of Rs.1150/- to 1500/-. The applicant No.5 was appointed as DEO Grade-A in the pay scale of Rs.1150/- 1500/- in the year 1995. The other applicants, namely, the applicant Nos. 6 to 12 were appointed as DEO Grade-A in the pay scale of Rs.1150/- 1500/- in the year 1995. The applicant Nos. 1 to 4 were promoted to the next higher grade of DEO Grade-B in the pay scale of Rs.1200/- to 2040/- w.e.f.22.12.97. The said scale of Rs.1200/- to 2040/- was revised subsequently to Rs.1350/- 2200/- w.e.f. 11.9.89 as per the recommendation of the 4th Pay

Commission and thereafter again revised to Rs.4500/- to 7000/- w.e.f. 1.1.96 as per the recommendation of the 5th Pay Commission. It may also be mentioned that the applicant Nos.1 to 5 are appointed and are serving in the Electronic Data Processing Centre of the Controller Defence Accounts, Guwahati, whereas the applicant Nos. 6 to 12 are appointed and serving at Pay Accounts Office (ORS), Assam Regimental Centre at Shillong.

2. The post of Junior Key Punch Operator under the respondents was in the pay scale of Rs.260/- 400/- w.e.f. 1.1.73 which was revised to Rs.950/- 1500/- w.e.f. 1.1.86 further redesignating the post as DEO Grade-A in the pay scale of Rs.1150/- to 1500/- w.e.f. 11.9.89. It was further revised to Rs.4000/- 6000/- w.e.f. 1.1.96. Similarly the post of Senior Key Punch Operator in the pay scale of Rs.330/- to 560/- w.e.f.1.1.73 which was revised to Rs.1200/- 2040/- w.e.f. 1.1.86, was redesignated as DEO Grade-B w.e.f. 11.9.89 in the pay scale of Rs.1350/- to 2200/-. The scale was further revised to Rs.4500/- 7000/- w.e.f. 1.1.96. The applicant contended that the nature of duties and responsibilities of the Junior Key Punch Operators redesignated as DEO Grade-A and Senior Key Punch Operators/Grade-B are same. Hence both the Grades are entitled for the pay scale without any difference.

3. The DEO// Key Punch Operators working under various Ministries/Departments of the Central Govt. raised grievances with regard to recommendation of the 4th Central Pay Commission. Sheshagri Commission was appointed by the Central Govt. to enquire into the grievances. It was inter-alia pleaded that the Sheshagri Commission observed that the nature, duties and responsibilities attached to both grades of DEOs in various Ministries/Departments of the Central Govt. and Electronic Data Processing Staff working under the Railway Administration are self same. there being absolutely no difference. The Govt. of India issued notification on 11.9.89 and granted pay scale of Rs.1150-1500/- to DEOs Grade-A and the scale of Rs.1350/- 2200/- to DEOs Grade-B w.e.f.11.9.89. The applicant pleaded that the DEOs both Grade-A and Grade-B ought to have been granted the pay scale of Rs.1350/-2200/- w.e.f.1.1.86 or the date of appointment whichever is later. The DEOs working in the Directorate of Census Operation, Ministry of Home Affairs, Govt. of India preferred an O.A. before the Hyderabad Bench of the CAT claiming parity with the Electronic Data Processing Staff of the Railway Administration w.e.f.1.1.86. The which said O.A./was numbered and registered as O.A.957 of 1990 was allowed by the Hyderabad Bench of the CAT and the Govt. of India was directed to follow 1.1.86 as effective date on the principle of equal pay for equal work vide judgment and order dated 9th July, 1992

The DEOs working under the Controller General of Defence Accounts also instituted an O.A. before the Jabalpur Bench of the Tribunal which was numbered and registered as O.A.No.142 of 1995 for granting them the pay scale of Rs.1350/- 2200/- w.e.f.1.1.86. By judgment and order dated 28.9.99 the said O.A. was allowed. In terms of the said order the respondents granted pay scale of Rs.1350/- 2200/- to the DEOs working under the Controller of Defence Factories, Jabalpur w.e.f. 1.1.86. Some of the DEO Grade-As working under the Principal Controller of Defence Accounts, Central Command, Lucknow preferred Original Application before the Lucknow Bench of the Tribunal claiming the similar benefits to them as was granted by the Hyderabad and Jabalpur Benches of the CAT. The said application was numbered and registered as O.A.150 of 2001. Prior to institution of the said O.A. those applicants also preferred representations before the authority claiming the pay scale of Rs.1350/- 2200/- w.e.f.1.1.86 and the same was rejected by the authority on the ground that the decision was applicable only to those who were applicants before the Jabalpur Bench of the Tribunal and not to others. By judgment and order dated 9.10.2001 the said O.A. was finally allowed by the CAT Lucknow Bench. The Lucknow Bench held that the applicants of the said O.A. were similarly situated persons as the applicants before the Jabalpur Bench of the Tribunal who were granted the benefit of the

of the revised pay scale w.e.f.1.1.86.

4. In the light of the directions issued by the aforementioned Tribunals, these applicants also submitted individual representations before the authority. By the communication dated 6.2.2002 the Assistant Controller Defence Accounts, Group Officer, Administration intimated the DCDA, PAO(ORS)ARC as well as the O i/c EDP Center that the request for revision of pay scale of DEO's in the organisation as applied for could not be exceeded to. The judgment of the Lucknow and Jabalpur Benches of the Tribunal was applicable to the applicants of the respective O.A.s only as per direction given by the Ministry and conveyed by the HQrs. Office. Hence this application claiming the similar benefit as was granted by the three Benches of the CAT.

5. The respondents contested the claim of the applicants and reiterated to its stand as indicated in the impugned communication dated 6.2.2002. The respondents in the written statement also in so many words, stated that "that is their story - and that they^{are} sticking to that". It was stated and asserted that these applicants were not a party of the O.A. No.142/95 before the CAT Jabalpur Bench and O.A.No.150/2001 before the CAT Lucknow Bench and therefore the benefit of the aforementioned judgments could not be given effect to so far these applicants are concerned.

6. We have heard Mr.B.D.Goswami, learned

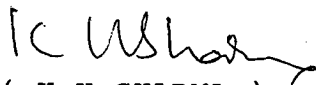
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counsel for the applicants at length and also Mr.A.K.Chaudhuri, learned Addl.C.G.S.C. for the respondents. The issue raised in the application is no longer res integra. A new litigative battle is thrust upon the applicants. It was an avoidable exercise. Three of the Benches of the CAT, more particularly, the Jabalpur Bench and the Lucknow Bench of the CAT decided the issue between the DEOs and the respondents. Both the aforementioned Benches of the Tribunal dealt with the identical facts on identical issues. A decision of the Co-ordinate Bench is equally binding in another Bench. The respondents acted in a most illegal fashion by refusing the self same benefit to these applicants only on the ground that they were not party in the O.A.Nos.142/95 & 150/2001 before the Jabalpur and Benches of the CAT respectively. The discrimination is obviously and manifestly contrary to the Articles 14 and 16 of the Constitution. The goal of the Republic is to avoid litigation. Needless to state that unnecessary litigation concerns the welfare of the State - " et interest reipublicae ut sin - fines litum."

6. For all the reasons stated above the O.A. is allowed and the respondents are directed to give effect to the pay scale of 1.1.86 in place of 11.9.89 to the applicants or the date of appointment whichever is later. The impugned communications dated 6.2.2002 rejecting the claim of the applicants are also

set aside. The respondents are directed to examine the case of each of the applicants in the light of the observations made above and give them the consequential relief as expeditiously as possible preferably within a period of three months from the date of receipt of the order.

There shall, however, be no order as to costs.



(K.K.SHARMA)
ADMINISTRATIVE MEMBER



(D.N.CHOWDHURY)
VICE CHAIRMAN

bb



THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
AT GUWAHATI

ORIGINAL APPLICATION NO. 78 /2002

Shri Keshab Sharma & Ors.

..Applicants

-Versus-

The Union of India & Ors.

.....Respondents

I N D E X

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		24 to 27
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6.	Annexure - IV - - - - -	

Filed by: *Santanu Borah*
Advocate 513102

Filed by:-

Sri Keshab Sarma
& O/s

vs Applicants
Hooangh

Santanu Borthakur
Advocate
5/3/02

THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
AT GUWAHATI

ORIGINAL APPLICATION NO. 78 /2002

1. Sri Keshab Sharma,
S/o Late Mahesh Ch. Sharma,
R/o Quarter No.B-16,UDAYAN
VIHAR Complex, Guwahati, Assam.
2. Sri Anup Sur,
S/o Sri Tarun Kr. Sur,
R/o Adabari Colony,
Guwahati-12, Assam.
3. Sri Dipak Sarma,
S/o Late Churananda Sarma,
R/o Chenikuthi Hill Side,
Guwahati-3, Assam.
4. Sri Monai Kr. Bujar Barua,
S/o Lt. Mahendra Nath Bujar Barua
R/o Rukminigaon, Guwahati-22,
Assam.
5. Smt Gita Kalita Saikia,
W/o Sri Diganta Saikia,
R/o AIDC, R.G. Baruah Road,
Guwahati- 24, Assam.

Contd..P/-

Keshab Sarma

6. Sri Deepanjan Choudhury,
S/o J.C. Choudhury,
R/o 264 U Tirot Sing Nagar,
Umpling, Shillong-793006,
Meghalaya.
7. Sri Ramayan Singh,
S/o Krishna Singh,
R/o Pythorumkhrak
(Opp.MLP Dog Squad) Shillong,
Meghalaya.
8. Sri Rajen Kr. Lama,
S/o Late Chhan Bahadur Lama,
R/o Demthring, Nongthymmai,
Shillong, Meghalaya.
9. Smti Valaria Marbaning,
W/o Sri Rajen Kr. Lama,
R/o Demthring, Nongthymmai,
Shillong, Meghalaya.
10. Sri Ganesh Bahadur Thapa,
S/o Lat Churamani Thapa,
R/o 3rd Mile, Old Fruit Garden,
P.O. Dallyngka Upper Shillong,
Shillong-793005, Meghalaya.
11. Smti Genevieve Dhar,
W/o Sri Ningthen Singh,
R/o Ryngi Jyniew, Upper
Nongthymmai, Shillong-793014,
Meghalaya.

Contd..P/-

12. Smti Dathitbha Chellan
D/o Be Hyndiah,
R/o Lower Mawprem, Dedon Road,
Shillong-793002, Meghalaya.

.. APPLICANTS

-VERSUS-

1. The Union of India,
represented through the Govt.
of India, Ministry of Defence,
South Block, New Delhi.
2. The Controller General of
Defence Accounts, West Block
V.R.K.Puram, New Delhi-110066.
3. The Controller of Defence
Accounts, UDAYAN BIHAR COMPLEX,
Narangi, Guwahati-171.
4. The Asstt. Controller of Defence
Accounts,
Group Officer (Administration),
Office of the CDA,
UDAYAN VIHAR, Narangi,
Guwahati -171.

.. RESPONDENTS

Contd..P/-

DETAILS OF APPLICATION1. PARTICULARS OF THE ORDER AGAINST WHICH
THE APPLICATION IS MADE:

The present application is jointly filed by the applicants who are all identically situated challenging the validity of order No. AN/III/III/DEO's dtd. 6.2.02 issued by the Asstt. Controller Defence Accounts, Group Officer (Administration) annexed hereto as Annexure -IV where by it is intimated that the request for revision of pay scales to Rs.1350/- - 2200/- w.e.f. 1.1.86 or the date of appointment whichever is late and for payment of consequential arrears of the petitioners being the Data Entry Operators of that organisation, as applied for cannot be acceded to further directing that the Judgments of the Hon'ble CAT, Lucknow Bench and Hon'ble CAT, Jabalpur Bench are applicable in respect of the applicants of the respective original application only as per direction given by the concerned Ministry of Defence..

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the present application and the order against which the applicants want redressal are within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION:

The applicants further declare that the present application fulfills the legal requirements of

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Keshab Sarma

limitation as prescribed in Section 21 of the Administrative Tribunal Act, 1995 as the representation filed by the applicants have been summarily rejected by the respondent No.3 through letter dtd. 6.2.02 (Annexure-IV).

4. FACTS OF THE CASE:

4.1 That the applicants before this Hon'ble Tribunal are all serving as Data Entry Operators (hereinafter called ["the DEO's"]) in the Controller, Defence Accounts Department of the Govt. of India under the Ministry of Defence of the Central Govt. The applicants Nos. 1 to 4 were initially appointed as the Junior Key Punch Operator in the pay scale of Rs. 950/- 1400/- in the year 1988-89. The said post of Junior Key Punch Operator was thereafter redesignated as Data Entry Operator Grade 'A' w.e.f. 11.9.89 in the scale of pay of Rs. 1150/- to 1500/-. The applicant No. 5 was appointed as Data Entry Operator Grade 'A' in the pay scale of Rs. 1150/- to 1500/- in the year 1995. Similarly the applicants No. 6 to 12 have been appointed as Data Entry Operator Grade 'A' against pay scale of Rs. 1150/- to 1500/- in the year 1995. In due course of time the applicants No. 1 to 4 were promoted to the next higher grade of Data Entry Operator Grade 'B' in the pay scale of Rs. 1200/- to 2040/- w.e.f. 22.12.97. The said scale of Rs. 1200/- to 2040/- was revised subsequently as Rs. 1350/- to 2200/- w.e.f. 11.9.89 as per recommendation of the 4th pay Commission and thereafter again revised to

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Rs.4500/- to 7000/- w.e.f. 1.1.96 as per recommendation of the 5th pay Commission in which the said applicants No.1 to 4 are now working. Similarly the applicants No. 5 to 12 are also presently *drawing* revised pay scale of Rs.4000/- to Rs.6000/- w.e.f. 1.1.96. Be it stated that while the applicants No.1 to 5 are appointed and are serving in the Electronic Data processing Centre of the Controller Defence Accounts, Guwahati, the applicants No.6 to 12 are appointed and serving at pay accounts office (ORS), Assam *Regimental Centre at Shillong*.

A detailed chart showing the dates of appointment, promotion scale of pay, date of representation filed by the applicants etc is annexed hereto as Annexure-I.

4.2 That the post of Junior Key Punch Operator under the Respondents was given a pay scale of Rs. 260/- to 400/- w.e.f. 1.1.73 which was revised to Rs. 950/- to 1500/- w.e.f. 1.1.86 further redesignating the post as Data Entry operator Grade-A in the pay scale of Rs.1150/- to 1500/- w.e.f. 11.9.89. The same was further revised with effect from 1.1.96 to Rs. 4000/- to 6000/-.

4.3 That similarly there was the post of senior Key Punch Operator with a pay scale of Rs.330/ to 560/- w.e.f. 1.1.73 which was revised to Rs.1200/- to 2040/- w.e.f. 1.1.86 . These posts were redesignated as Data

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Keshab Sarma

Entry Operator Grade -B w.e.f. 11.9.89 in the pay scale of Rs.1350/- to 2200/- which stood further revised to Rs.4500/- to 7000/- w.e.f. 1.1.96.

4.4 That the nature of duties and responsibilities of Junior Key Punch Operators redesignated as Data Entry Operator Grade-A and that of Data Entry Operator Grade-B are identical and there is absolutely no difference. That being the fact they are entitled to the same pay scale without any difference.

4.5 That the applicants beg to state that the 4th Central Pay Commission made a recommendation in respect of Junior Key Punch Operators at Rs.950/- to 1500/- and for the senior Key Punch Operators (Data Entry Operator Grade-B) at Rs.1200/- to 2040/- working under the respondents as in various other Ministries of the Central Govt. who were then working in the pay scale of Rs.260/- to 400/- and Rs.330/- to 560/- respectively. But in the Railway Department where Key Punch Operators/Data Entry Operators were called Electronic Data Processing Staff, their the then pay scale of Rs.330/- to 560/- was revised to Rs.1350/- to 2200/- ^{there was discrepancy}. Thus in the grant of pay scale to the Data Entry Operators/Working in the various Ministries of the Central Govt. as in the case of the Railway Department.

4.6 That because of the aforesaid disparity in the grant of pay scale to the Data Entry Operators

Contd..P/-

Keshab Sarma

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working in various Departments in Central Govt. as per the recommendation of the 4th Central Pay Commission and as such a representation was placed on their behalf before the Govt. of India for reconsidering the matter and for keeping them at par with the Electronic Data Processing Department in so far as their pay scale was concerned.

4.7 That keeping in view the grievance of the Data Entry Operator working in the various departments of the Central Govt. appointed Seshagiri Commission to enquire into the same. After completion of the Commission the recommendation of the Seshagiri Commission was that the nature, duties and responsibilities attached to both Data Entry Operators in various Ministries/ Departments of the Central Govt. and Electronic Data Processing Staff working under the Railway Administration are self same. There having absolutely no difference and as such the Data Entry Operators should be made entitled to the pay scale Rs.1350/- to 2200/-. Considering the recommendation of the Seshagiri Commission the Govt. of India ultimately accepted the same by issuing a notification dtd. 11th September, 1989 providing therein that the Data Entry Operator Grade-A shall be entitled to a pay scale of Rs.1150/- to 1500/- whereas the Data Entry Operator Grade -B would be entitled to a pay scale of Rs.1350/- to 2200/- w.e.f. 11th September, 1989. It is stated that this difference in pay

Contd..P/-

Keshab Sarma

scale was uncalled for and had no basis in as much as the nature of duties and responsibilities of Data Entry Operators Grade-A and Grade-B being self same and/or identical and also there being difference they should have been granted the same scale of Rs.1350/- to 2200/-.

4.8 That as per the notification dtd. 11th September 1989 the applicants 1 to 4 were given pay scale of Rs.1150/- to 1500/- and redesignated as Data Entry Operators Grade -A w.e.f. 11.9.89, whereas they should have been redesignated as the Data Entry Operator Grade - B and entitling them to the pay scale of Rs.1350/- to 2200/- w.e.f. 1.1.86 or their date of appointment whichever is later though they were given the pay scale of Rs. 1350/- to 2200/- w.e.f. 22.12.97 upon promotion as DEO Grade-B. So far as the applicants No.5 to 12 are concerned they should have also been appointed as Data Entry Operator Grade B in the pay scale of Rs.1350/- to 2200/- w.e.f. their date of appointment i.e. since the year 1995 whereas the applications No. 5 to 12 have been given the pay scale of Rs.1150/- to 1500/- since their respective dates of appointment.

4.9 That the applicants beg to state that an original Application was filed by the Data Entry Operators employed in the Office of the Director of Census Operations, Somaliguda, Hyderabad before the Hon'ble Central Administrative Tribunal, Hyderabad claiming the pay scale of Rs.1350/- to 2200/- w.e.f. 1.1.86 at par

OA 95

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Keshab Sarma

with Electronic Data Processing staff working in the Railway Administration. The said original application registered and numbered as DA No. 957 of 1990 was decided by the Hon'ble Tribunal, Hyderabad Bench through its Judgment, dtd: 9.7.92 directing the respondents to give the same rate of pay of Rs.1350/- to 2200/- from 1.1.86 to the applicants.

A copy of the said judgment dated 9.7.92 reported in 1993 Vol 23 ATC 42 is annexed hereto and marked as Annexure- II.

4.10 That the judgment of the Hon'ble Tribunal, Hyderabad Bench delivered in the case of Data Entry Operators working in the Census operators, Govt. of India, Ministry of Home Affairs, New Delhi was accepted and the Data Entry Operators working in the Directorate of Census Operation, Ministry of Home Affairs, Govt. of India were granted the pay scale of Rs.1350/- to 2200/- without any difference of Data Entry Operators Grade-A or Grade-B.

4.11 That in so far as the Data Entry Operators working under the Controller General of Defence Accounts for grant of said pay scale of Rs.1350/- to 2200/- w.e.f. 1.1.86 is concerned some identically placed persons as the applicants filed an Original Application being No. 142 of 1995 before the Hon'ble

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Keshab Sarma

Tribunal, Jabalpur Bench which was decided by the Hon'ble Tribunal vide Judgment dtd. 28.9.99 allowing the application and directing the respondents to make payment in pay scale of Rs.1350/- to 2200/- w.e.f. 1.1.86. In compliance to the said Judgment dtd. 28.9.99 the respondents granted pay scale of Rs.1350/- to 2200/- to the Data Entry Operators working under the Controller of Accounts (Factories), Jabalpur w.e.f.1.1.86.

4.12 That thereafter similarly placed Data Entry Operators under the Office of the Principal Controller of Defence Accounts, Central Command, Lucknow also preferred an Original Application before the Hon'ble Tribunal, Lucknow Bench claiming the pay scale of Rs.1350/- to 2200/- w.e.f. 1.1.86 when their prayer for the same made departmentally was refused on the ground that they were not party before the Jabalpur Bench of the Hon'ble Tribunal in the O.A. No. 142/95. The said Original Application was registered and numbered as 150 of 2001 was finally decided vide Judgment and order of the Hon'ble Tribunal dtd. 9.10.01 whereby the O.A. was allowed and the respondents were directed to give effect to the pay scale of (Rs.1350/- to 2200/-) w.e.f. 1.1.86 or the date of appointment whichever is later. By the said judgment the Hon'ble Tribunal was also pleased to quashed the impugned order of the respondents dtd. 30.1.2000 rejecting the claim of the applicants on

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Keshab Sarma

the ground being "non applicants" and was further pleased to direct that the applicants of that application would also be entitled to consequential reliefs to which they may be found entitled.

A copy of the said judgment and order dated 9.10.2001 passed in Original Application No.150/2001 by the Hon'ble Tribunal, Lucknow Bench is annexed herewith as Annexure- III.

4.13 That keeping in view of the said judgments of the Hon'ble Tribunal i.e. the Judgments passed by the Hyderabad, Jabalpur and Lucknow Benches of the Hon'ble Tribunal as aforesaid which have also been complied with by the respondents including in the establishment of the Controller General, Defence Accounts the present applicants preferred individual representations as per dates indicated in column 10 of the Chart contained in Annexure- I before the Controller Defence Accounts, Guwahati which were forwarded by the respondent No.3 by letter dtd. 17.1.02 ultimately vide letter dtd. 6.2.02 the respondents intimated the applicants that their request for revision of pay scales as applied for cannot be acceded to. The said letter dtd. 6.2.02 further informed that the Judgment of the Hon'ble Tribunal, Lucknow and Jabalpur Benches were applicable only in

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Keshab Sarma

respect of the applicants of the respective Original Application as per direction given by the Ministry and as conveyed by the Head Quarters Office.

Copy of the said letter dtd. 6.2.02 issued to the applicants at Guwahati and Shillong are annexed hereto as Annexure -IV.

4.14 That the Govt. of India in its various Departments including in the Office of the Controller General, Defence Accounts having accepted the said judgments of the Hon'ble Tribunal in respect of the entitlement to the pay scale of Rs.1350/- to 2200/- w.e.f. 1.1.86 for the Data Entry Operators working in the Directorate of Census Operations, Ministry of Home Affairs, Govt of India, Controller, Accounts (Factories), Jabalpur and the Principal Controller, Defence Accounts, Lucknow and having granted the said pay scale of Rs. 1350/- to 2200/- revised to Rs.4500/- to 7000/- to them, the respondents have accepted in principle that the Data Entry Operators working in various Ministry/ Departments of the Govt. of India are entitled to the pay scale of Rs.1350/- to 2200/- revised to Rs.4500/- to 7000/- and that being the fact the non payment of the said pay scale to the applicants w.e.f. 1.1.86 or their date of appointment, whichever is later has amounted to depriving the applicants illegally, arbitrarily and discriminatorily.

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Keshab Sarma

4.15 That the creation of two separate cadre of Data Entry Operators i.e. Data Entry Operator Grade 'A' and Data Entry Operator Grade-'B' or Junior Key Punch Operators and Senior Key Punch Operators with different pay scales is wholly unreasonable and unjustified as they are performing the same nature of duties and responsibilities having absolutely non difference.

4.16 That the finding and recommendation of the Seshagiri Commission that the nature of duties and responsibilities attached to both the Data Entry Operators in the Office of the Director of Census operation and Electronic Data processing staff under the Railway Administration are self same in nature and there being absolutely no difference, the Data Entry operators should be made entitled to pay scale of Rs.1350/- to 2200/- and the 4th pay Commission, 1983 having recommended the pay scale of Rs.1350/- to 2200/- for the Electronic Data processing staff under the Railway Administration w.e.f. 1.1.86 the present applicants are also entitled to the same pay scale w.e.f. 1.1.86 or their respective date of appointment whichever is later.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS

5.1 For that the creation of two separate cadre of Data Entry Operators i.e. Data Entry Operator Grade

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Keshab Sarma

'A' and Data Entry Operator Grade 'B' or Junior Key Punch Operator and Senior Key Punch Operator with different pay scale is unreasonable, unjustified and without any basis inasmuch as the DEO, Gr.A and DEO, Gr.B are performing the same nature of duties and responsibilities and having no difference at all.

5.2 For that the Govt. of India has accepted the Hon'ble Tribunal Judgment *with respect to* Data Entry Operators working in the Directorate of Census Operation, Ministry of Home Affairs, Govt. of India, the Hon'ble Tribunal Jabalpur Judgment *with respect to* the Data Entry Operators working under the Controller Accounts (Factories) and the Hon'ble Tribunal, Lucknow Judgment *with respect to* the Data Entry Operators working under the Principal Controller of Defence Accounts, Central command, Lucknow and have granted the pay scale of Rs.1350/- to 2200/- revised to Rs.4500/- to 7000/- to the persons concerned and as such the respondents have accepted in principle that the Data Entry Operators working in the various Ministries/Departments of the Govt. of India are entitled to the pay scale of Rs.1350/- to 2200/- revised to Rs.4500/- to 7000/- and accordingly the said authority is required to pay the said pay scale to the applicants but the same not having been done the respondents have acted illegally, arbitrarily, unreasonably and without jurisdiction.

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5.3 For that the present applicants and the applicants in the aforesaid OA No. 957/90 before the Hon'ble Tribunal, Hyderabad, OA No. 142/95 before the Hon'ble Tribunal, Jabalpur and O.A.No. 150/2001 before the Hon'ble Tribunal, Lucknow being identically situated the ^{present} applicants are also entitled to the pay scale of Rs.1350/- to 2200/- w.e.f. 1.1.86 or their date of appointment whichever is later but that not having been done the respondents have acted illegally and arbitrarily causing gross discrimination to the applicants.

5.4 For that the Judgment of the Hon'ble Tribunal Hyderabad Bench delivered in the case of Data Entry Operators working in the Directorate of Census Operation, Govt.of India was accepted and the Data Entry Operators working in the said Directorate were granted the pay scale of Rs.1350/- to 2200/- without any difference of Data Entry Operators of Grade 'A' and Grade 'B'.

5.5 For that grant of pay of Rs.1350/- to 2200/- w.e.f. 1.1.86 ^{with respect to} the Data Entry Operators working under the Controller General, Defence Accounts the said O.A. No. 142/95 was filed before the Hon'ble Tribunal, Jabalpur and order dtd. 28.9.99.

5.6 For that the status of the applicants and that of the applicants in said OA No. 957/90 before the

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Hon'ble Tribunal ,Hyderabad DA No.142/95 before the Hon'ble Tribunal, Jabalpur DA No. 150/2001 before the Hon'ble Tribunal, Lucknow being same and identical, the representation filed on behalf of the applicants ought not to have been rejected by the respondents.

5.7 For that the applicants are entitled to the pay scale of Rs.1350/- to 2200/- revised to Rs.4500/- to 7000/- w.e.f. 1.1.86 or the date of appointment whichever is later.

5.8 For that the action of the respondents is wholly illegal, arbitrary and in violation of Article 14 and 16 of the Constitution of India.

5.9 For that the recommendation of the Seshagiri Commission was that the nature, duties and responsibilities attached to both Data Entry Operators in various Ministry/Departments of Central Govt. and that of Electronic Data Processing Staff working under Railway Administration are self same and there being absolutely no difference the Data Entry Operators should be made entitled to a pay scale of Rs.1350/- to 2200/- which was accepted by the Govt.of India vide notification dtd.11.9.89 providing therein that the Data Entry Operator Grade-A shall be entitled to pay scale of Rs.1150/- to 1500/- whereas the Data Entry Operator Grade -B would be entitled to pay scale of Rs.1350/- to

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Keshab Sarma

2200/- inspite of the fact that the nature of duties and responsibilities of Data Entry Operators Grade-A and Grade -B are self same in nature and there being absolute absolutely no difference.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicants declare that they have availed all the remedies available to them by filing separate representations dtd. 17.1.02 and 24.1.02 respectively which were rejected vide letter dtd. 6.2.02 (Annexure-IV) and thus there is no other alternative remedy except by way of present Original Application before the Hon'ble Tribunal.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT:

That the applicants declare that they have not previously filed any application, writ petition or suit in regarding the matter in respect of which the application has been made before any other Court or any other authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

In the premises aforesaid the applicants pray for the following reliefs:

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Keshab Sarma

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i) For setting aside the Order dtd. 6.2.02 issued by the Asstt. Controller Defence Accounts, Group Officer (Admn) (Annexure-IV).

ii) For a direction to the respondents to grant the pay scale of Rs.1350/- to 2200/- revised to Rs.4500/- to 7000/- with effect from 1st January, 1986 or the respective dates of appointment whichever is later.

iii) Any other relief to which the applicants are entitled to in the facts and circumstances of the case.

iv) Any such other order/orders as the Hon'ble Tribunal may deem fit and proper so as to give full and complete relief to the applicants in the facts and circumstances of the case.

9. INTERIM ORDER PRAYED FOR:

Pending final decision of the application the applicants pray for the following interim relief:

i) a direction to the respondents to grant the benefit of the Judgments of the Hon'ble Tribunal, Hyderabad and Lucknow Benches dtd. respectively (Annexure- II & III) the said decisions being judgments in rem.

ii) Any such order/orders as the Hon'ble Tribunal deem fit and proper so as to give adequate interim relief to the applicants.

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10. PARTICULARS OF APPLICATION FEE

- i) I.P.O. No. : 28E 877002, 14F 811485, 14F 811486.
- ii) Date : 5/3/02.
- iii) Payable at : Guwahati

11. LIST OF ENCLOSURES:

As stated in the Index.

Keshab Sarma

VERIFICATION

I, Shri Keshab Sarma, Son of Late Mahesh Ch. Sarma, aged about 36 years, R/o Quarter No. B 16, UDAYAN VIHAR COMPLEX, Guwahati -171, in the district of Kamrup, Assam, do hereby solemnly affirm and verify that the contents of paragraphs 1 to 11 made above are true to the my knowledge and belief derived from the information and records of the case. And I have not suppressed any material facts.

And I sign this verification on this 5th day of March, 2002 at Guwahati.

Keshab Sarma
Signature

Keshab Sarma

ANNEXURE NO. - I

Sl No	Name	Date of Birth	Father's / Husband Name	Residential Address	Present Designation And Office	Date Of Initial Appointment as Jr. KPO / DEO GR-A, 260- 400 (950 - 1500) & wef 11/09/1989 as in 1150-1500	Date of Promotion as DEO GR.B / SR KPO 330 - 560 (1200 - 2040) wef 11/ 09/ 89 1350 - 2200	Date of Promotion as 1400-2300	When Representation preferred	Present Pay Scale
01	Keshab Sarma	01/05/66	Lt. Mahesh Ch Sarma	Qr.No.B16, Udsyan Vihar Complex, Guwahati -171	DEO Gr. B CDA Guwahati	15/12/88 ✓	22/12/97		17/01/02	4500-7000
02	Anup Sur	27/08/60	Tarun Kumar Sur	Adabari Colony, Guwahati-12	DEO Gr. B CDA Guwahati	16/12/88	22/12/97		17/01/02	4500-7000
03	Dipak Sarma	01/10/63	Lt. Churananda Sarma	Chemikuthi Hill Side, Guwahati-03	DEO Gr. B CDA Guwahati	19/12/88	22/12/97		17/01/02	4500-7000
04	Manoj Kumar Bujar Barua	02/03/67	Lt. Mahendra Nath Bujarbarua	Rukmini Gaon Guwahati-22	DEO Gr. B CDA Guwahati	01/02/89	22/12/97		17/01/02	4500-7000
05	Geeta Kalita Saikia	29/12/71	Diganta Saikia	AIDC, RGB Rd Guwahati-27	DEO Gr. A CDA Guwahati	29/09/95			17/01/02	4000-6000
	Deepanjan Choudhury	02/09/72	J.C.Choudhury	264 U Tirot Sinf Nagar, Umpling, Shillong- 793006	DEO Gr. A PAO(ORs)ARC Shillong	27/06/95			24/01/02	4000-6000

Certified to be true
SANTANU BOSTANUKU
Advocate.

Sl No	Name	Date of Birth	Father's / Husband Name	Residential Address	Present Designation And Office	Date Of Initial Appointment as Jr. KPO / DEO GR.-A, 260- 400 (950 - 1500) & wef 11/09/1989 as in 1150-1500	Date of Promotion as DEO GR.B/SR KPO 330 - 560 (1200 - 2040) wef 11/ 09/ 89 1350 - 2200	Date of Promotion as..... 1400 - 2300	When Representation preferred	Present Pay Scale
07	Ramayan Singh	19/05/74	Krishna Singh	Pynthorumkhrak (Opp. MLP Dog Squad) Shillong 793001	DEO Gr. A PAO(ORs) ARC Shillong	12/ 07/ 95			24/01/02	4000-6000
08	Rajen Kr Lama	20/02/72	Lt. Chhan Bahadur Lama	Demthring, Nongthymmai, Shillong-793014	DEO Gr. A PAO(ORs) ARC Shillong	14/ 07/ 95			24/01/02	4000-6000
09	Valarie Marbaniang	03/02/73	Rajen Kumar Lama	Demthring, Nongthymmai, Shillong-793014	DEO Gr. A PAO(ORs) ARC Shillong	14/ 07/ 95			24/01/02	4000-6000
10	Ganesh Bahadur Thapa	01/03/57	Lt. Churamani Thapa	3rd Mile, Old Fruit Garden, P.O. Umthlang, Upper Shillong, Shillong 793015	DEO Gr. A PAO(ORs) ARC Shillong	17/ 07/ 95			24/01/02	4000-6000
11	Genevieve Dkhar	18/06/71	Ninthem Singh	Ryngi Jyriew Upper Nongthymmai, Shillong-793014	DEO Gr. A PAO(ORs) ARC Shillong	17/ 07/ 95			24/01/02	4000-6000
12	Dathitbha Challam	11/12/73	Be Kyndiah	Lower Mawprem, Bedon Road, Shillong-793002	DEO Gr. A PAO(ORs) ARC Shillong	04/ 08/ 95			24/01/02	4000-6000

again started and later on the applicant approached this Tribunal. It appears that yet another charge-sheet was served in respect of the same matter and although the Disciplinary Authority did not award the said punishment but the superior authority awarded the punishment. In the circumstances the application deserves to be allowed. In this case when the superior authority was not able to decide the matter for years it appears that it was so fickle minded could not make up its mind for 9 years and then passed the order of compulsory retirement and while passing the order of compulsory retirement a full fledged proceeding should have been taken place when the Director Postal Services did not agree with the suggestion which had been given by the Enquiry Officer or the Superintendent, Post Offices, he should have called upon the applicant to show cause as to why he should not be compulsorily retired from service as he was not agreeable with the suggestion which was given by the lower authority but nothing like that was done in this case. Accordingly this application deserves to be allowed and the order of compulsory retirement is set aside. The department is directed to proceed in accordance with law. No order as to the costs.

(1993) 23 Administrative Tribunals Cases 42

Central Administrative Tribunal, Hyderabad

(BEFORE R. BALASUBRAMANIAN, ADMINISTRATIVE MEMBER
AND T. CHANDRASEKHAR REDDY, JUDICIAL MEMBER)

Y. JAGANMOHAN REDDY AND OTHERS

Applicants

Versus

SECRETARY, MINISTRY OF HOME AFFAIRS,
GOVT. OF INDIA AND OTHERS

Respondents

O.A. No. 957 of 1990, decided on July 9, 1992

Parity in Employment — Equal pay for equal work — Principle — Scope with regard to choice of date — Parity if established must be observed from that date — Applicants granted higher scale from 11-9-1989 while similarly situated employees in other department getting from 1-1-1986 — Government directed to follow 1-1-1986 as effective date for applicants also — Constitution of India, Arts. 14, 16 and 39(d)

D.S. Nakara v. Union of India, (1983) 1 SCC 305; 1983 SCC (L&S) 145; AIR 1983 SC 13
Narayan Das v. State of Haryana, (1988) 7 SLR 109 (P&HHC), relied on

K-M/A-01772(SN)

Advocates who appeared in this case :

J. Sudhir, Counsel, for the Applicants;

N.V. Ramana, Addl. CGSC, for the Respondents.

Extracts from the Judgment of the Bench delivered by T. CHANDRASEKHAR REDDY, JUDICIAL MEMBER, are as follows:

This is an application filed under Section 19 of the Administrative Tribunals Act, 1985 to direct the respondents to grant the pay scale of Rs 1350-2200 on par with similarly situated persons as Data Entry Operators in the Railway Administration.

The facts giving rise to this application and which are not in dispute may be briefly stated as follows: The applicants herein were initially appointed as

Certified to be
true
Santani Bosthakar
Advocate

Data Entry Operators in the Office of the Director of Census Operations, Somajiguda, Hyderabad. The initial pay to which the applicants were entitled was Rs 330-560. In case of another set of employees under the Railway Administration, who were designated as Electronic Data Processing Staff, their initial pay was also Rs 330-560 with Rs 20 as special allowance per month. The Fourth Central Pay Commission in the year 1983 recommended that those who are discharging the duties of Electronic Data Processing Staff under the Railway Administration are entitled to refixation of their pay scale at Rs 1350-2200. But the very same Fourth Central Pay Commission recommended the pay scale of Rs 1200-2040 for the applicants who, as already pointed out, were working as the said Data Entry Operators in the pay scale of Rs 330-560. On this question, the Data Entry Operators had a grievance and they made a representation to the Government of India for reconsidering the matter and keeping them at par with the Electronic Data Processing Staff working in the Railway Administration insofar as their pay scale is concerned. The Government of India appointed a Commission to enquire into their grievance which is familiarly known as Seshagiri Commission. The recommendations of this Commission were that the nature of duties and responsibilities attached to both the Data Entry Operators in the Office of the Director of Census Operations and Electronic Data Processing Staff under the Railway Administration are selfsame in nature and there being absolutely no difference, the Data Entry Operators should be made entitled to a pay scale of Rs 1350-2200. According to the applicants, this report of the Seshagiri Commission was accepted by the Government of India as per the notification dated 11-9-1989. After acceptance of these recommendations, the Government of India fixed the pay scale of the Data Entry Operators at Rs 1350-2200 payable to the said Data Entry Operators (applicants herein) with effect from 1-1-1989. The grievance of the applicants is that the pay scale also should have been fixed with effect from 1-1-1986 at the said scale of Rs 1350-2200 on which date the Fourth Pay Commission report was made effective and the Electronic Data Processing Staff under the Railway Administration were paid the same pay scale. So, the present OA is filed for the relief as already indicated above.

Counter is filed by the respondents opposing this OA.

The main contention advanced on behalf of the applicants is that on the principle of 'equal pay for equal work' the applicants are also entitled to the same scale of pay with effect from 1-1-1986 at par with their counterparts who were working as Electronic Data Processing Staff under the Railway Administration.

... The only question with which we are concerned is whether the applicants too are entitled to the pay scale of Rs 1350-2200 with retrospective effect from 1-1-1986 as the applicants are also discharging the same duties and responsibilities as those of the EDP Staff in the Railways. Of course, special pay of Rs 20 per month was being paid to the Electronic Data Processing Staff working in the Railways prior to revision of pay scale with effect from 1-1-1986.

But the payment of special pay of Rs 20 to the said Electronic Data Processing Staff was purely the decision of the Railways and that would not establish that the nature of duties performed by such persons in the Railways was of a higher order than those of persons like the applicants. Admittedly, the special pay was abolished with effect from 1-1-1986 after revision of the pay scales and the Government had later extended the same scale of pay with effect from 11-9-1989 to the applicants herein, as is being enjoyed by the Electronic Data Processing Staff working in the Railways. But the only dispute as already indicated is the date from which the benefit of pay scale has to be accrued to the applicants. The extra payment of Rs 20 per month as a special pay to the said Electronic Data Processing Staff working in the Railways prior to revision of pay scales under no circumstances would justify a later date for giving the said benefit to the applicants as the applicants admittedly were also on the same pay scale prior to 1-1-1986 on par with the Electronic Data Processing Staff working in the Railways. In view of the decision in *D.S. Nakara v. Union of India*¹ the contention of the learned counsel for the respondents that the applicants are not entitled to the same pay scale as that of their counterparts with effect from 1-1-1986 cannot be accepted. In this context, it will be worthy to note also a decision of the Punjab and Haryana High Court in *Naranjan Das v. State of Haryana*², wherein it is laid down as follows:

"From the perusal of a communication from the Controller, Printing and Stationery, Haryana (copy Annexure p.2, dated 6-4-1981) to the Secretary-cum-Commissioner, Government of Haryana, Printing and Stationery Department, it is seen that the Controller has categorically stated that the duties and responsibilities of Packers of Printing and Stationery Department are more as compared to the duties and responsibilities to (sic of) the Packers in the Public Relations Department. The petitioners had been getting the same pay scale up to April 1969 as admissible to their counterparts in Public Relations Department. The plea of the State that the Packers of the Printing and Stationery Department are non-Matriculantes is of no avail. Similar position also existed in the year 1969. The qualification for the post of Packer in both the departments remains the same. The petitioners cannot be discriminated on this ground, whereas in the past they were being treated at par with the Packers of the Public Relations Department. The petitioners are also entitled to the same grade which was given to the Packers of the Public Relations Department with effect from February 1, 1981. I am of the considered view that the stand taken by the respondents is wholly without any merit. Once the State Government was satisfied that the Packers of the Printing and Stationery Department are discharging the same and similar duties as compared to their counterparts in the Public Relations Department, the petitioners were entitled to be granted the same pay scale which their counterparts in Public Relations Department were getting. I see no justification for not granting the same pay scale to the petitioner-Packers of the Printing and Stationery Department from the same date from which

1 (1983) 1 SCC 305; 1983 SCC (L&S) 145; AIR 1983 SC 130

2 (1988) 7 SLR 109 (P&H HC)

their counterparts in the Public Relations Department were given the revised pay scale."

So, in view of the said decision, we are of the view that there is no justification for not granting the same pay scale to the applicants herein from the same date their counterparts in the Railway Administration were given. So, considering all the facts and circumstances of the case, we are unable to accept the contention advanced on behalf of the respondents, on the ground that the applicants herein cannot be treated differently from their counterparts in the Railways who are discharging the same duties and responsibilities as already indicated. So, it will be just and proper to allow to the applicants the same pay scale as their counterparts in the Railway Administration with effect from 1-1-1986 itself.

In the result, the respondents are hereby directed to give the same scale of pay of Rs 1350-2200 from 1-1-1986 to the applicants also at par with the Electronic Data Processing Staff working under the Railway Administration and pay the difference of arrears of pay for the period from 1-1-1986 to 10-9-1989 in accordance with the rules and regulations. The respondents are further directed to pay the said arrears within three months from the date of receipt of a copy of this judgment. With these directions, the application is allowed. In the circumstances of the case, we direct the parties to bear with own costs.

(1993) 23 Administrative Tribunals Cases 45

Central Administrative Tribunal, Ernakulam

(BEFORE S.P. MUKERJI, VICE-CHAIRMAN
AND A.V. HARIDASAN, JUDICIAL MEMBER)

1. R.A. No. 21 of 1992 in O.A. No. 1735 of 1991 and O.A. No. 1736 of 1991

UNION OF INDIA AND OTHERS

Review Applicants/
Respondents in O.A.;

Versus

HARILAL

Respondent/Applicant.

2. R.A. No. 48 of 1992 in O.A. No. 461 of 1991

UNION OF INDIA AND OTHERS

Review Applicants/
Respondents in O.A.;

Versus

MATHEW JOSEPH AND OTHERS

Respondents/Applicants.

3. O.A. No. 235 of 1992

MOHANAN AND OTHERS

Applicants;

Versus

UNION OF INDIA AND OTHERS

Respondents.

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW.

ORIGINAL APPLICATION NO: 150/2001.
this, the 09th day of October 2001.

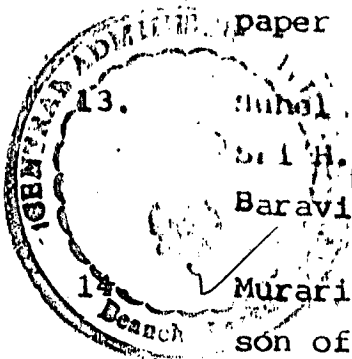
HON. MR. D.P. VERMA MEMBER (J)

HON. MR. A.K. MISHRA MEMBER (A)

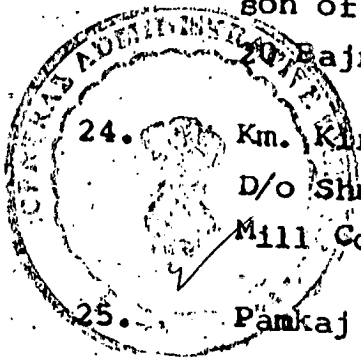
1. Smt. Neera Srivastava, aged about 39 years, wife of Shri Prabhat Kumar Srivastava resident of 161,5, Tazikhana, Rakabganj, Lucknow.
2. A.K. Awasthi, aged about 36, years, son of Shri G.R. Awasthi, resident of 554/370/22 Lane No. 7 Pawanpuri, Alambagh Lucknow.
3. Brijendra Singh, aged about 34 years, son of Late Shri Leela Singh, resident of 16/936, Indira Nagar, Lucknow.
4. H.R. Gautam, aged about 42 years, son of Shri Heera Lal Gautam resident of Vilege Amethia Salempur Post Kakori, Lucknow.
5. Shambhoo Nath, aged about 40 years, son of Shri B.Lal, Resident of C-1389/11, Indira Nagar, Lucknow.
6. Tariq H. Siddiqui, aged about 36 years, Son of Shri Qamrul Hasan, Resident of Sultan Manzil, Qandhari Lane, Lalbagh, Lucknow.
7. Smt. Namita Sahgal, aged about 37 years, wife of Shri Umesh Kumar, Sahgal, resident of 15/1 Naipear Road Colony, Thakurganj, Lucknow.

Certified to be
trueSantanu Borthakur
Advocate

- : 2 :-
8. Smt. Priti Bhattacharya, aged about, 36 years, wife of Shri A.K. Bhattacharya, resident of Bengali Tola, Teli Bagh, Lucknow.
 9. Smt. Priti Saxena, aged about 35 years, wife of Shri Shailendra Saxena, resident of C-1179, Rajajipuram, Lucknow.
 10. Ram Mohan Verma, aged about 41 years, son of Shri Masant resident of New Colony, Utratiya, Lucknow.
 11. A.K. Mishra, aged about 45 years, son of Shri R.A. Mishra, resident of C-5137 Sector-13, Rajajipuram, Lucknow.
 12. Km. Meena Sharma, aged about 41 years, D/o Dr. S.D. Sharma, resident of C-26/7, paper Mill Colony, Nishatganj, Lucknow.
 13. Suhel Ahmad aged about 45 years, Son of Shri H.M. Ali, resident of 504/28 KA Baravilla, Daliganj, Lucknow.
 14. Murari Kumar, aged about 32 years, son of Shri Bhola Nath Resident of 358-A, Aradhna, Eldeco-I, Bangla Bazar, Lucknow.
 15. Mahant Ram, aged about 41 years, son of Late Sri Shivedhan, Resident of B-12/8, Vivek Vihar Colony, Lucknow Cantt.
 16. Vinay Kumar Mishra, aged about 35 years, son of Shri R.K. Mishra, resident of 235- Rajendra Nagar, Lucknow.
 17. Prakash Agarwal, aged about 35 years, son of Shri Bachchan Lal, resident of 315/170, Bagh Mahanarain, Chowk, Lucknow.
 18. Shiv Shankar, aged about 35 years, son of Shri Seeta Ram, resident of B-5/8, Vivek Vihar Colony, Lucknow Cantt.



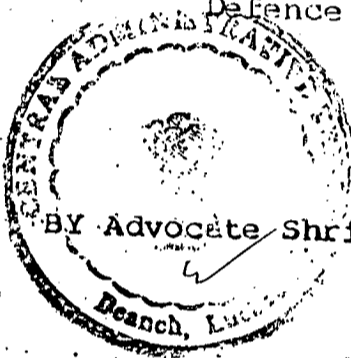
19. Yagya Prasad Bajpai, aged about 34 years, son of Shri R.S. Bajpai, resident of 551-Ka/505-A1 Azad Nagar, Lucknow.
20. Lalita Prasad Maurya, aged about 34 years, son of Shri Chhotey Mal, resident of 464/59-Ka Tehseenganj, Chowk, Lucknow.
21. Smt. Sunita Chawla, aged about 34 years wife of Shri Anil Chawla, resident of 519, Hinda Nagar, Kanpur Road, Lucknow.
22. Jai Prakash Sharma, aged about 34 years, son of Late Shri Jagdamba Prasad Sharma, resident of B-8/8 Vivek Vihar Colony, Lucknow Cantt.
23. Lalit Kumar Tewari, aged about 35 years, son of Late Shri M.L. Tewari, resident of 20 Bajrang Nagar, Lucknow.
24. Km. Kiran Tirkey, aged about 36 years, D/o Shri C. Tirkey, resident of C-13/8, Paper Mill Colony, Nishatganj, Lucknow.
25. Pankaj Kumar Dubey, aged about 34 years, son of Shri R.C. Dubey, resident of 560/15/ D, Krishna Nagar, Lucknow.
26. Smt. Pushpa Kholia, aged about 33 years, wife of Dr. H.S. Kholia, resident of Bari Jugauli, Gomti Nagar, Lucknow.
27. Smt. Vaishali Saxena, aged about 36 years, wife of Shri Arun Kumar Saxena, resident of 342/14, Post Office, Naubasta, Lucknow.
28. Smt. Kusum Srivastav, aged about 34 years, wife of Shri Naveen Chand Srivastava, Resident of C-405, Sector- B1, Mahanagar, Lucknow.
29. Smt. Vandana Srivastava, aged about 34 years, wife of Shri Sharad Kumar resident of 60/138 Kha, Jai Narain Lane, Huseanganj, Lucknow.



30. J.P. Maurya, aged about 34 years, son of Shri R.R. Maurya, resident of D-425/D, L.D.A. Colony, Kanpur Road, Lucknow.
31. Jitendra Singh, aged about 32 years, son of Late Shri Heera Lal, resident of Kailashpuri, Near Mazar, Alambagh, Lucknow.
32. Atul Kumar Gupta, aged about 36 years, son of Shri D.R. Gupta, resident of Pawan Puri Lane-IX, Alambagh, Lucknow.
33. Chandra Prakash, aged about 32 years, son of Shri Durga Prasad resident of Village Amethia Salempur, Post. Kakori, Lucknow.
34. Prashant Tripathi, aged about 32 years, son of Shri R.C. Tripathi, Resident of C-2100, Indira Nagar, Lucknow.
35. Ram Nath, aged about 35 years, son of Shri Badloo Ram, Resident of 142/250, Krishnapuri, Areemganj, Amberganj, Lucknow.
36. Ranjana Srivastava, aged about 36 years, wife of Shri Anil Kumar Srivastava, resident of 755/91, Kundri Rakabganj, Lucknow.
37. Roop Narain, aged about 35 years, son of Shri Hanuman Prasad, resident of Village Jamal Nagar, Post Kakori, Lucknow.
38. Bipin Behari Pushkara, aged about 35 years, son of Shri S.B. Lal, Resident of Village Peer Nagar, Post, Mall, Lucknow.
39. Mukesh Kumar Dixit, aged about 33 years, son of Late Sri B.B.L. Dixit, resident of Pawan Puri, Lane-IX, Alambagh, Lucknow.
40. Suneet Kumar, aged about 30 years, son of Shri D.S. Srivastava, resident of 344/177. Co-operative Colony, Bhawaniganj, Lucknow.
41. Ramendra Pratap Srivastava, aged about 35 years, son of Shri R.B. Srivastava, resident of 28-A Itki Mohalla, Nadan Mahel Road, Lucknow.



42. Ishwar Deen aged about 43 years, son of Late Shri Maikoo Lal, Resident of Village Amethia Salempur, Post Kakori, Lucknow.
43. Udbhav Chand, aged about 35 years, son of Late Shri Shiv Praker Chand, resident of B/109, Rajneer Chand, Sharda Nagar, Lucknow.
44. Muieed Beg, aged about 34 years, son of Shri Q. Beg, resident of Vijay Khand-2 Gonti Nagar, -Lucknow.
45. Smt. Kanta Rahi, aged about 37 years, wife of Shri A.K. Rahi, Resident of Defence Colony, Talibagh, Lucknow.



....Applicants.

BY Advocate Shri. A. Moin.

VERSUS

1. Union of India, through the Secretary, Ministry of Defence, Govt. of India, South Block, New Delhi.
2. Controller General, Defence Account, West Block, V.R.K. Puram, New Delhi.
3. Principal Controller of Defence Accounts, Central Command, Kariappa Road, Cantt. Lucknow.

....Respondents.

BY Advocate Shri. N. Mathur.

ORDER

BY D.C. VERMA MEMBER (J)

-33-

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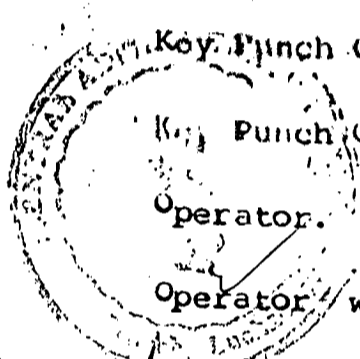
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-: 6 :-

The 45 applicants of the present Original Application have prayed for setting aside the order dated 30.11.2000 (Annexure-1 to the O.A.) by which revised pay scale w.e.f. 1.1.1986 has been refused to the applicants on the ground that they were not party before Jabalpur Bench of the Tribunal in O.A. NO. 142/95.

2. The brief facts of the case are that earlier Key Punch Operator were in two grades. One Junior Key Punch Operator and the other Senior Key Punch Operator. In 1973, the scale of Junior Key Punch Operator was Rs. 260-400 which was revised to Rs. 950-1500 w.e.f. 1st January 1986 and the post was re-designated as Data Entry Operator Grade-A, in the pay scale of Rs. 1150-1500 w.e.f. 11th September 1989 which was revised to Rs. 4000-6000 w.e.f. 1st January 1996.

3. The post of Senior Key Punch Operator was in the pay scale of Rs. 330-560 and was revised to 1200-2040 w.e.f. 1st January 1986 and the post was re-designated as Data Entry Operator Grade B w.e.f. 11th September 1989 in the pay scale of Rs. 1350-2200.

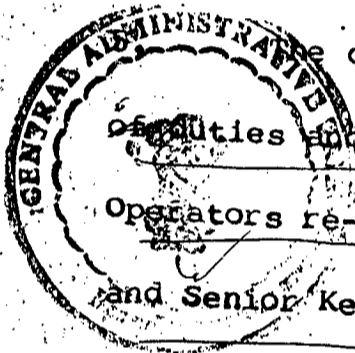


Jr Key P/O
Sr Key P/O

The scale was revised to Rs. 4500-7000 w.e.f. 1st January 1986.

4. Applicant No. 1 to 22 claimed to have been promoted as Data Entry Operator Grade B from various dates mentioned in Annexure-2 to the O.A. Applicant No. 23 to 45 are still working as Data Entry Operator Grade A.

1-4
5-12

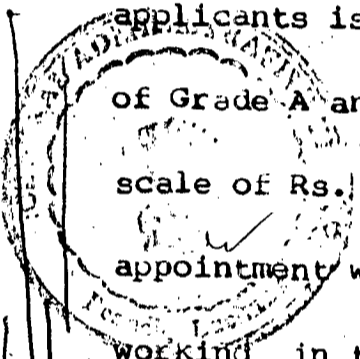


The claim of the applicants is that the nature of duties and responsibilities of Junior Key Punch Operators re-designated as Data Entry Operator Grade-A and Senior Key Punch Operators re-designated as Data Entry Operators Grade-B are same in nature hence, both these grades are entitled for the pay scale without any difference.

6. The Data Entry Operator/Key Punch Operator working in various Ministries raised grievance with regard to the recommendation of the 4th Central Pay Commission. The Central Government appointed Sheshagri Commission to enquire into the grievances. As per the applicants, the Sheshagri Commission's recommendation was that the nature, duties and responsibilities attached to both

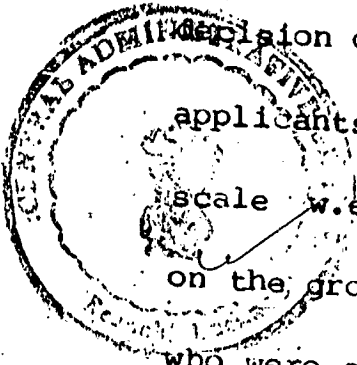
grades of Data Entry Operators in various Ministries/ Departments of the Central Government and Electronic Data Processing Staff working under the Railway Administration are ~~not~~ ^{the same} there being absolutely no difference. The Government of India however, issued notification on 11th September 1989 and granted pay scale of Rs. 1150-1500 to Data Entry Operators Grade A and the Scale of Rs. 1350-2200 to Data Entry Operators Grade B w.e.f. 11th September 1989. The claim of the

applicants is that in fact the Data Entry Operators both of Grade A and Grade B should have been granted the pay scale of Rs. 1350-2200 w.e.f. 1.1.1986 ~~as~~ or the date of appointment whichever is later. The Data Entry Operators working in the directorate of Census Operation, Ministry of Home Affairs, Government of India filed an Original Application in Hyderabad Bench of the Tribunal claiming ~~an~~ ^{with} parity ~~with~~ the Electronic Data Processing Staff working in the Railway Administration, w.e.f. 1st January 1986. The Said O.A. No. 957/1990 was decided by Hyderabad Bench on 9th July 1992 reported in 1993 Vol. 23 ATC page 421. The O.A. was allowed and the Government was directed to follow 1.1.86 as effective date on the principle of equal pay for equal work.



- 36 - 30 - 5

7. The Data Entry Operators working under the Controller General of Defence Accounts for grant of pay scale of Rs. 1350-2200 w.e.f. 1st January 1986 filed O.A. NO. 142/95 before Jabalpur Bench of the Tribunal. The O.A. was decided on 28.9.99 (Copy Annexure-4 to the O.A.). The O.A. was allowed. In compliance thereto, the respondents granted pay scale of Rs. 1350-2200 to the Data Entry Operators working under Controller of Accounts, Factories Jabalpur w.e.f. 1st January 1986. Keeping in view, the decision of the Hyderabad and Jabalpur Benches ^{of the Tribunal} the present applicants preferred a representation for claiming of the scale w.e.f. 1st January 1986, but the same was rejected on the ground that the decision is applicable only to those who were applicants before the Jabalpur Bench of the Tribunal and not to others. Counsel for the parties have been heard at length. Learned counsel for the respondents submitted that the applicants are not entitled to benefit as they were not party before the Jabalpur Bench of the Tribunal. The other relief is that some applicants are working in pay Scale of Rs. 4500-7000 and some others are working in pay scale of Rs. 4000-6000 hence, the Original Application is not maintainable.

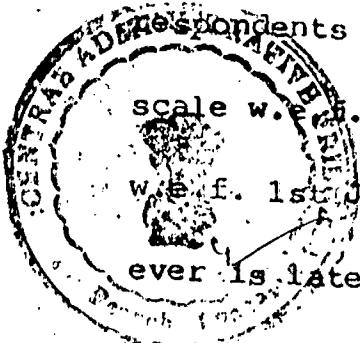


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-: 11 :-

Bench of the Tribunal who were granted the benefit of the revised pay scale w.e.f. 1.1.1986. The relief granted to the applicants of the said O.A., cannot be refused merely on the ground that the ^{present} applicants were not party to the said O.A. Such a distinction ^{is} drawn by the respondents would be discriminatory and violative of Articles 14 and 16 of the constitution.

10. In view thereof, the O.A. is allowed and the respondents are directed to give effect to the pay scale w.e.f. 1.1.1986 instead of 11.9.89 to the applicants w.e.f. 1st January 1986 or the date of appointment which ever is later. The Impugned Order Annexure-1 dated 30.11.2000 rejecting the claim of the applicants on the ground of being 'non-applicants' is quashed. The case of those applicants shall be examined and the consequential relief shall be granted to the applicants, as to which they may be found entitled, within a period of three months from the date of receipt of copy of this order. No costs.



sd/
MEMBER (A)

sd/
MEMBER (J)

Dated: 09.10.01

Lucknow:

- (i) Date of Order 9.10.2001
- (ii) Date of Preparation 10.10.01
- (iii) Date of Receipt 3.11.2002

original copy

sd/
10/10/2001
Additional Secretary
G. A. S.
SECRETARY

sd/
10/10/2001

To

1. The DCDA
PAO(ORS) ARC
Shillong
2. The O/c
EDP Center
CDA Guwahati
(Local)

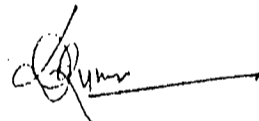
No.AN/III/III/DEO's
Office of the CDA
'Udayan Vihar', Narangi
Guwahati-781171
Dated: 06/02/2002

Subject : Revision of Pay scales of DEO's grade B with effect from 01/01/1986.

Reference: PAO(ORS) ARC letter No.AN/I-EDP dated 24/01/2002 EDP Center,
CDA Guwahati letter No.GAU/EDP/Estt/25/Vol-I dated 17/01/2002.

With respect to communications cited letter reference it is intimated that the request for revision of pay scales of DEO's of this organization as applied for cannot be exceeded to.

The Judgement of CAT, Lucknow Bench and CAT, Jabalpur Bench is applicable in respect of the applicants of the respective OAs only as per direction given by the Ministry and conveyed by the HQ's Office. The individual may be informed accordingly.



(DILIP KUMAR)

Asstt. Controller Defence Accounts
G.O.(AN)

*certified to be
true*

*Santanu Borah -
Advocate.*

To

1. The DCDA
PAO(ORS) ARC
Shillong
2. The O i/c
EDP Center
CDA, Guwahati
(Local)

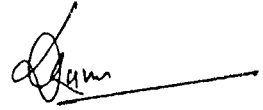
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(DILIP KUMAR)
Asstt. Controller Defence Accounts
G.O.(AN)

MAY 12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O.A. NO. 78 OF 2002

In the matter of

Shri. Keshab Sharma & 11 others

..... Applicants

Union of India & Others

..... Respondents

IN THE MATTER OF:

Written statement for and on behalf of

Respondents No. 1, 2, 3 & 4.

I, Shri. Dr. Venugopalan Astt. Controller of Defence
Accounts in the office of the Controller of Defence Accounts,

Guwahati, do hereby solemnly affirm and say as follows:-

That I am the Assistant Controller of Defence Accounts in the office of
the C.D.A. Guwahati and such fully acquainted with the facts and
circumstances of the case. I have gone through a copy of the
application and have understood the Contents thereof. Save and except
whatever is specifically admitted in there written statement the other
contentions and statements may be deemed to have been denied. I am



Union of India & Others
through:
Anup Mr. Choudhary
Addl C.A. SC
23.5.02

authorized and competent to file this written statement on behalf of all the respondents.

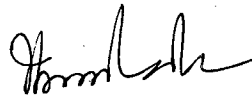
1. That with regard to the statements made in Para 1, 2 & 3 of the application, the respondents beg to offer no reply as a matter of records.
2. That with regard to the statements made in Para 4.1, 4.2 & 4.3 of the application, the respondents beg to offer no comments being matter of records.
3. That with regard to the statements made in Para 4.4 of the application, the respondents beg to state that the arerhent made by the applicants in this para is not correct. The duties and responsibilities of Data Entry Operator Grade 'A' and Grade 'B' are not same. In addition to jobs mentioned to DEO Grade 'A', DEO Grade 'B' are given more duties and responsibilities. In this context Government of India, Planning Commission, National Informatics Centre, A-Block, CGO Complex Lodhi Road New Delhi No. 2(4)/89-P&A dated 08/01/1990 (ANNEXURE- 'A').
4. That with regard to the statements made in Para 4.5 of the application, the respondents beg to state that the recommendations of the Fourth Central Pay Commission can mainly



be divided into two parts viz. (i) Recommendations relating to revised scales of pay; and (ii) other recommendations like re-organization of specific cadres of restructuring of cadres, grant of Special pay and allowances etc.

In accordance with para 31.2 of part I of the report of the Pay Commission, the Commission has made it clear that their terms of reference do not require them to indicate the date of effect of their recommendations. Still the Commission thought that it would be administratively convenient to give the benefit of the scales of pay recommended by them from the beginning of the current financial year. In regard to other recommendations, Govt. may have to take specific decisions to give effect to them from a suitable date. Keeping in view all relevant aspects including the administrative and accounting work. The Government after consultation with the Staff side, decided to give the effect to the recommendations relating to scale of pay from 01/01/86. As regard to other recommendations the effect was given from the date of decision taken on a specific recommendation.

The normal revised replacement of scales of pay to the incumbents of the various EDP posts has been given effect to from 01/01/86. It may



be added that EDP posts are available in a number of Departments and in all cases the normal replacement scales of pay recommended by the Pay Commission for each Department have been implemented from 01/01/86.

In para 11.45 of their report, the Pay Commission suggested reorganization of the existing EDP posts. The recommendation forms part of the other recommended by the Commission. Hence, such recommendations are to be given effect from the date as may be decided by the Govt. Keeping in view all relevant aspects, the orders dated 11/09/1989 for rationalization of pay scales of the EDP posts have been issued by the Ministry of Finance in pursuance of the above recommendation and accordingly have been given prospective effect. This is in keeping with the recommendation contained in Para 41.2 and also the EFPs viz. all financial sanctions should have prospective effect.


Keeping in view of the revision of pay scales in the case of EDP staff of the Railway Administration with effect from 01/01/86. The Benches of the Hon'ble Central Administrative Tribunal at Lucknow, Hyderabad and Cuttack had earlier allowed revision of pay scales of Applicants (EDP Staff of office of the RGI at different places) in



terms of Ministry of Finance OM dated 11/09/89 with effect from 01/01/86. As these judgements were upheld by the Supreme Court by dismissing the SLP/Review petition, the judgements had to be implemented by the Govt. In OA No. 734/93 the hon'ble Central Administrative Tribunal Hyderabad Bench has while giving directions dated 04/09/95 apparently relied on the above judgements. ✓

Prior to 01/01/86, each Department made recruitment to EDP posts in accordance with their own requirements and with the recruitment qualifications prescribed by them. The scales of pay were also decided based on the requirement of each Department. In Ministry of Railway, the scale of pay carried Special pay in addition to the prescribed scale. On that ground, the pay Commission recommended higher scales of pay in operation in Ministry of Railways are not in terms of Ministry of Finance OM dated 11/09/89 but were replacement scales of pay with reference to pre-revised scales. Hence no analogy to the scales of pay in Ministry of railways needs to be drawn.

In case the decision of the Government to decide the date of effect of the re-organized scales of pay in terms of O.M. dated 11/09/89 is set aside, it will have far reaching implications because in all



departments the scales of pay based on re-organization of library staff and printing staff have also been given prospective effect.

In addition to the above grounds, it is stated that the employees of IA&AD were divided into two streams viz. Audit stream and Accounts stream and they were borne on the same pay structure.

Subsequently, the posts in the Audit stream were restructured and placed in higher functional scales of pay with effect from 01/03/84. The Fourth Pay Commission recommended similar scales of pay for employees in the Accounts stream. The effect of the restructuring was given effect from 01/04/87. Certain employees filed applications before the various Benches of the Hon'ble Central Administrative Tribunal for giving effect to the restructured scales of pay from 01/01/86. Though the Hon'ble Central Administrative Tribunal decided the matter in favour of the employees, SLP filed by the Government, has been upheld by the Supreme Court of India, OA Nos. 1783-84 of 1990, in the matter of Union of India V/S secretary, Madras Civil Audit & Accounts Association refer. The present case is similar and should be argued in the similar manner.



Though the nomenclature of Electronics Data Processing (herein after referred to as EDP) posts in different departments may be similar, yet the recruitment qualifications, method of may be similar, yet the recruitment qualifications, method of recruitment and job requirement in each Department has been different and accordingly the scales of pay were also different. It is only on the recommendations of the Fourth Pay Commission Electronics Data Processing posts have been re-organized in such a manner that it should carry the same recruitment qualification and the same job content and scales of pay. Eventually, this decision should take effect from the date this uniformity has been established.

Senior Key Punch operators in the scale of rs.330-560 and later re-designated as data Entry Operators Grade 'B', the scale was revised as Rs. 1350-2200 with effect from 11/09/1989. Similarity, pay scale in respect of junior KPOs whose scale was Rs.260-400 was also revised to Rs.1150-1500 with effect from 11/09/89. Hence there is no disparity.

5. That with regard to the statements made in Para 4.6 of the application, the respondents beg to state that the department is not aware whether all other Ministries/departments of Central

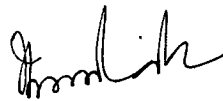


government as a whole have represented for similar pay scale as in railways.

6. That with regard to the statements made in Para 4.7 of the application, the respondents beg to state that the Contents of Para are denied. Even though Seshagiri Committee has recommended to classify keypunch operators/Data Entry Operators into 5 pay scales on the pattern of those in the Ministry of Railways. However, government has not accepted the recommendations and accepted scales as under:

Grade 'A'	Rs.1150-1500
Grade 'B'	Rs.1350-2200
Grade 'C'	Rs.1400-2300
Grade 'D'	Rs.1600-2660
Grade 'E'	Rs.2000-3500

The duties and responsibilities of Data Entry Operator Grade 'A' and Grade 'B' are not same as indicated in para 4.4 ibid. Therefore, the plea of the applicants that both Data Entry Operators Grade 'A' and Grade 'B' should be granted same scale of pay is not correct.



7. That with regard to the statements made in Para 4.8 of the application, the respondents beg to state that the contentions of the applicants in this Para of O.A. are not correct.

Ministry of Finance notification dated 11/09/89 has clearly indicated that pay scale of Rs.1350-2200 for Data Entry Operator Grade 'B' is for entry grade with graduation as minimum qualification with knowledge of Data Entry work or promotional grade for Data Entry Grade 'A' with minimum Six years regular service subject to availability of vacancy.

8. That with regard to the statements made in Para 4.9 of the application, the respondents beg to state that the applicants are seeking parity in the pay scale with the DEOs working under Railways, Directorates of Census Operation Ministry of Home Affairs who are governed by different set of Recruitment Rules.

The applicants in the OA 957/90 of CAT Hyderabad Bench were in the scale of Rs.330-560/- prior to 4th Pay Commission and DEOs serving in the railway Administration were in the scale of Rs.330-560/- with a special pay of Rs.20/- P.M. The 4th Pay Commission has recommended that pay scale of Rs.1350-2200/- to DEOs working in



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other Departments. After going through the facts of the case, the CAT Hyderabad Bench has stated that there is no justification for not granting Bench has stated that there is no justification for not granting the same pay scale to the DEOs of Census Department and directed to give the same scale of pay of Rs.1350-2200/- with effect from 01/01/86. It is understood that Census Department still have two different scales of pay Rs.4000-6000/- and Rs.4500-7000/- for DEO grade 'A' & 'B' respectively.

9. That with regard to the statements made in Para 4.10 of the application, the respondents beg to state that the same reply as in para 8 of this written statement.

10. That with regard to the statements made in Para 4.11 of the application, the respondents beg to state that the Hon'ble Tribunal Jabalpur in the judgement delivered on OA 142 of 95 has directed to give effect of the pay scale recommended by the Committee with effect from 01/01/86 instead of 11/09/89. The committee had recommended different scales for Data Entry Operator Grade 'A' and Grade 'B'. Accordingly Data Entry Operator Grade 'A' was granted pay scale Rs.1150-1500 and Data Entry Operator Grade 'B' was granted pay scale of Rs.1350-2200 with effect from



01/01/86. The contention of the applicants in Para 4.11 of OA that data Entry Operators working under Controller of Finance & Accounts (Fys) Jabalpur have been granted that pay scale of Rs.1350-2200 is not correct. The representations of the applicants requesting for implementation of Central Administrative Tribunal Jabalpur Judgement in O.A. 142 of 1995 to all similarly placed Data Entry Operators was referred to Ministry of Finance though Ministry of Defence and Ministry of Finance has intimated that the proposal has been considered and has not been found possible to extend the benefit to the non-applicants. The same was conveyed to all concerned vide letter Dated 30/11/2000 by respondent 2.

11. That with regard to the statements made in Para 4.12 of the application, the respondents beg to state that the CAT Lucknow Bench in their judgement has stated that the relief granted to the applicants of the OA 142/95 of Jabalpur cannot be refused merely on the grounds that the applicants of the OA 150/2001 of Lucknow Bench were has directed the respondents to give effect to the pay scales with effect from 01/01/86 instead of 11/09/89.



12. That with regard to the statements made in Para 4.13 of the application, the respondents beg to state that the matter regarding extending the benefit of Central Administrative Tribunal Jabalapur Bench and Central Administrative Tribunal Lucknow Bench judgements to all DEOs of this Department were referred to Ministry of Defence (Finance). In consultation with Department of Expenditure, Ministry of Finance, Ministry of Defence (Finance) has intimated that it is not found feasible to extend the benefit to the non-applicants.

13. That with regard to the statements made in Para 4.14 of the application, the respondents beg to state that the contents of the Para of O.A. of the applicants are not correct as duties and responsibilities of Data Entry operator Grade 'A' and Grade 'B' are different as indicated in para 3 above.

14. That with regard to the statements made in Para 4.15 of the application, the respondents beg to state that as per recruitment rules the minimum qualification for Entry grade that is Data Entry Operator Grade 'A' is 12th Standard pass or equivalent and should possess a speed of not less than 8000 Key depressions per hour and for Data Entry Operator Grade 'B' is graduation and should



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possess a speed of not less than 8000 key depressions per hour. Entry to Grade 'B' is either by 40% promotion, 30% direct recruitment or 30% by transfer on deputation. Grade 'A' DEOs with Six years regular service as Data Entry Operator Grade 'A' will become eligible for promotion to Data Entry Operator Grade 'B' subject to availability of vacancy.

15. That with regard to the statements made in Para 4.16 of the application, the respondents beg to state that the same reply as in Para 14 above.

16. That with regard to the statements made in Para 5(i) of the application, the respondents beg to state that in view of the submissions made above, the contention of the applicants not agreed upon.

17. That with regard to the statements made in Para 5(ii) to 5(v) of the application, the respondents beg to state that the contents of these paras not agreed to as replied in paras 8 to 11.

18. That with regard to the statements made in Para 5(vi) of the application, the respondents beg to state that the contents of para 5(vi) of original application is totally incorrect and



false, the representation of the applicants was rejected not on baseless ground but as decided by the Ministry that they were not a party of the O.A. No.142 of 95 before the Central Administrative Tribunal Jabalpur Bench and O.A. No.150/2001 before Central Administrative Tribunal Lucknow Bench. ✓

19. That with regard to the statements made in Para 5(vii) of the application, the respondents beg to state that the contents of para (vii) of original application not agreed.

20. That with regard to the statements made in Para 5(viii) of the application, the respondents beg to state that the content of para 5(viii) of original application is totally incorrect therefore denied. It is submitted that the Central Administrative Tribunal, Jabalpur order on O.A. 142 of 95 and Central Administrative Tribunal Lucknow order on O.A. Bo.150/2001 were only applicable to the applicants of that O.A. since the applicants of present original applications were not a party to that O.As, the present applicants were not given the benefit which the applicants of O.A. No.142 of 1995 and O.A. 150/2001 have received in compliance of Central Administrative Tribunal Jabalpur ordered CAT Lucknow



order. Hence action of the respondent was not arbitrary, illegal and violative of Act 14 and 16 of Constitution India.

21. That with regard to the statements made in Para 5(ix) of the application, the respondents beg to state that the duties and responsibilities of the DEO 'A' and DEO 'B' different as indicated in para 3 ibid and Recruitment Rules for DEO 'A' and DEO 'B' are different, the applicants argument that the same pay scale be given to all is not correct.


22. That with regard to the statements made in Para 6 & 7 of the application, the respondents beg to state that the contents of these paras need no reply being matter of record.

23. That with regard to the statements made in Para 8 & 9 of the application, the respondents beg to state that it is submitted that the applicants are not entitled to any relief sought for in Para 8 & 9 of the original application in view of the factual position narrated in the foregoing paragraphs. It is further submitted that the present applicants were not party to the Original Application No.142 of 95 filed before Central Administrative Tribunal Jabalpur and Original Application No.150 of 2001 filed before Central Administrative



Tribunal Lucknow and as such orders issued by the Jabalpur Tribunal and Lucknow Tribunal are not applicable to the applicants of present Original Application. The general applicability of the Hon'ble Central Administrative Tribunal Jabalpur judgment and Central Administrative Tribunal Lucknow judgment has not yet been accepted by the Government.

24. That the applicants are not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.



VERIFICATION

I Shri. G. Venkatesh ACDA (AN), office of
the Controller of Defence Accounts, Guwahati in being authorized do
hereby solemnly affirm and verify the written statements and state that
contents of the statement are true to my knowledge and information
and I have not suppressed any material facts.

And I sign this verification on this the

22nd Day of May

.2002

G. Venkatesh

G. Venkatesh
DECLARANT

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No. 2(4)/B9-P&V
Government of India
Planning Commission
NATIONAL INFORMATICS CENTRE
A-Block, CGO Complex, Lodhi Road, New Delhi - 110003

dated 8th January 1990

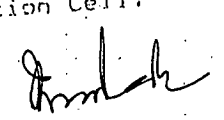
OFFICE MEMORANDUM

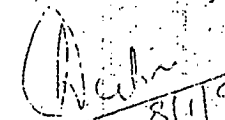
Subject: Job Descriptions for different levels of Data Entry Operators and Programming Staff

The undersigned is directed to refer to the Ministry of Finance, Department of Expenditure (Implementation Cell) Office Memorandum No.F.7(1)/IC/B6(44) dated 11th September 1989 and to say that vide para 8 of the above mentioned Office Memorandum, NIC was asked to evolve the job assignment charts for different levels of Data Entry Operators and Programming Staff, for adoption by different Ministries/Departments. Accordingly, the job descriptions for various levels of Data Entry Operators and Programming Staff have been evolved as given in the enclosed Annexure-I and Annexure-II respectively, which could be adopted by the Ministries/Departments of the Government of India with suitable modifications, if necessary, to meet any particular requirements.


8/1/90
(K. Subbiah)
Deputy Director
Tel. 362628

- All Ministries/Departments of the Government of India (as per Standard List).
- Copy to Ministry of Personnel, Public Grievances & Pensions, (Department of Personnel & Training) (Director(E)).
- Copy to Ministry of Finance, Department of Expenditure, Implementation Cell.




8/1/90
(K. Subbiah)
Deputy Director
Tel. 362628

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ANNEXURE = 1

DESCRIPTIONS FOR VARIOUS CATEGORIES OF DATA ENTRY OPERATORS

DATA ENTRY OPERATOR - A - 1150-25-15000

All types of data preparation and validation including alpha-numeric data entry, graphic data entry, voice-entry, optical entry etc., and associated verification, and pre-programmed validation, text processing etc., on any type of machines/equipment/instrument endowed with facilities for data entry and/or preparation for data entry and/or pre-programmed validation of entered data including key punching machine, key to magnetic media machine, key to optical media machine, any type of computer/EDP equipment, any computer based equipment/computer based instrument/computer based online or real time systems/computer network based systems.

2. DATA ENTRY OPERATOR - B - 1350-30-1400-40-1500-1A-30-2000

In addition to those jobs mentioned for Data Entry Operator - A, Pooling, Counting, Collating, Coding, Console Operation, assisting in the preparation of Statistics, billing, input/output handling etc. on any type of machine/equipment/instrument endowed with facilities for data entry or preparation for data entry and/or validation of entered data as specified under the description for Data Entry Operator - A.

3. DATA ENTRY OPERATOR - C - 1600-40-1500-1A-30-2300

In addition to those jobs and machine/equipment/instrument mentioned for Data Entry Operator - B, training of operators, scheduling of jobs and more skill-based validation of alpha-numeric or graphic data as determined by the needs of the organisation.

4. DATA ENTRY OPERATOR - D - 1800-50-1500-1A-30-2600

In addition to those jobs mentioned for Data Entry Operator - C, programming relating to Data preparation and/or validation, and for a few staff who are considered to have the required aptitude and depending upon the need, supervision of the work of Data Entry Operator-A, B and C.

5. DATA ENTRY OPERATOR - E - 2000-60-1500-1A-30-2900

Supervision of the work of data preparation, scheduling and distribution of jobs among other Data Entry Operators, planning, scheduling, coordination and implementation of interrelated and integrated data preparation jobs, programming relating to Data preparation and/or validation and if necessary to do supporting job of data entry, verification, validation etc. depending on exigencies of work.

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Note:- 1. In addition to particular job descriptions within the corresponding list given above, all Data Entry Operators will handle any other related jobs as may be assigned to them by the Officer-in-charge or the Controlling Officer of the Unit/User Terminal where such Operators are posted, or by the Head of Department or by the Head of Office, or by any other officer as may be nominated by the Head of Department/Head of Office from time to time.

2. Wherever considered necessary the Data Entry Operators are required to work on any shift as may be prescribed by the Head of Department/Head of Office or by any other Officer as may be nominated by the Head of Department/Head of Office from time to time.

J. M. Shah