

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR
Original Application No. 960 of 2004

Jabalpur, this the 20th day of May, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

1. Ebenezer Egbert Powell
S/o Shri S.E. Powell,
Date of birth 14.11.1947,
R/o 531/1, Type III, Sector-I,
New Colony, GCF Estate,
Jabalpur. Applicant

(By Advocate – Shri V.Tripathi)

V E R S U S

1. Union of India,
Through it's Secretary,
Ministry of Defence,
New Delhi.
2. Director General,
Ordnance Factory Board,
10-A Shahid S.K. Bose Road, Kolkata.
3. General Manager,
Gun Carriage Factory, Jabalpur. Respondents


(By Advocate – Shri S.A.Dharmadhikari)

O R D E R (O r a l)

By M.P.Singh, Vice Chairman –

By filing this Original Application, the applicant has sought the following main reliefs :-

- “(ii) Command the respondents to extend the benefits of various judgments of the Tribunal in favour of the applicant.
- (iii) Consequently, command the respondents to give the pay scale of Rs.1350-2200/- to the applicant w.e.f. 11.1986 or from the date of deployment revised as Rs. 4500-7000 w.e.f. 1.1.1996 with arrears of pay and other consequential benefits.”



2.

The brief facts of the case are that the applicant is working as Sr. Data Entry Operator (for short 'DEO') carrying the pay scale of Rs.4500-7000/- in the Gun Carriage Factory, Jabalpur. With the implementation of the IV pay Commission's recommendations, various Govt. organization had different designations for Electronic Data Processing Staff. For example, in Ordnance Factories, they were being called as Punch and Verifying Operators and Senior Punch and Verifying Operators. In the Railways they were called as Electronic Data Processing Staff and in the Census Department under the Director of Census they were called as Data Entry Operators. Consequent to the implementation of the 4th Central Pay Commissions recommendation, the Electronic Data Processing Staff under the Railway Administration were granted a pay scale of Rs.1350-2200/-. But at the same time, the Central Pay Commission recommended the pay scale of Rs.1200-2040/- for Data Entry Operators working in the Census Department. On this question the Data Operators had a grievance and they represented to the Govt. of India for reconsidering the matter and to keep them, at par with the Electronic Data Processing Staff working under the Railway Administration. To rationalize their designations, pay scales of Electronic Data Processing Staff in different Government organizations, the Government appointed a Sheshagiri Commission. The Commission recommended uniform designations and pay scales for the Electronic Data Processing Staff of various Government departments/organizations. Since, in the Railway Administration, the Data Entry Operator who was earlier called as Electronic Data Processing Staff was granted a higher pay scale of Rs.1350-2200/- with effect from 1.1.1986 while in the Census Department they have been granted the same pay scale only with effect from 11.09.1989, the employees of the Census Department under the Director of Census Operations, Somajiguda, Hyderabad filed an OA No.957 of 1990 before the Hyderabad Bench of this Tribunal. The

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Hyderabad Bench has allowed the aforesaid OA with the following directions :-

“.....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, 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.”

Subsequently based upon the decision of the Hyderabad Bench of this Tribunal, similarly placed employees had filed OAs No.1509 and 1510 of 1995 before the Bombay Bench of this Tribunal and they have been allowed vide order dated 9.7.1999. The main contention of the applicant is that the similarly placed persons have been considered *granted the* ^{benefits} by this Tribunal in the case of **Jasbir Singh & Ors Vs. UOI & Ors** in OAs Nos 904, 40, 448 and 304 of 2002 passed on 17.2.2004. Since, the applicant is similarly placed he should also be granted the same benefits, which were granted by this Tribunal in the aforesaid OAs. Hence, this OA.

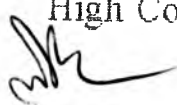
3. Heard the learned counsel for the parties and carefully perused the records.

4. The learned counsel for the applicant has stated that the order of the Tribunal dated 17.2.2004 passed in the aforesaid OAs has been challenged in the Hon'ble High Court of M.P in Writ Petition 4601/04, and the Hon'ble High Court has not granted the interim relief to the respondents. The Hon'ble High Court has ordered them to release the arrears of higher pay scale as per the order of the Tribunal dated 17.2.2004.

5. On the other hand the learned counsel for the respondents has stated that in the present case, the directions given by this Tribunal in

the aforesaid OAs 904, 40, 448 and 304 of 2002 are not applicable and he has drawn our attention towards the order dated 23.7.2004 passed by the Bombay Bench of this Tribunal in case of **S.D. Bhangale & Ors. Vs. UOI & Ors** in OAs Nos. 231 & 240 of 2003. The learned counsel contended that the similarly placed persons had filed the aforesaid OAs which were dismissed by the Bombay Bench of this Tribunal. He has also submitted that the order of Bombay Bench of this Tribunal passed in the aforesaid OAs is also under challenge in the High Court. The learned counsel for the respondents further submitted that the applicant cannot be granted the benefit of higher pay scale w.e.f. 1.1.1986 because on that date he was not performing his duty on the post of Data Entry Operator as he was appointed on the post of Data Entry Operator w.e.f. 11.9.1989. He cannot be, therefore, considered for grant of the benefit of higher pay scale w.e.f. 1.1.1986.

6. We have given careful consideration to the rival contentions made by the learned counsel for the parties and on careful perusal of the records, we find that the applicant seems to be similarly placed as the applicants in the aforesaid OAs Nos. 904, 40, 448 and 304 of 2002. The Tribunal vide order dated 17.2.2004 granted the relief claimed by the applicants in the aforesaid OAs and that order is challenged before the Hon'ble High Court. As per the statement made by the learned counsel for the applicant, the Hon'ble High Court has directed the respondents to release the arrears of the applicants on higher pay scale in accordance with the order of the Tribunal in the aforesaid OAs. Keeping in view ^{& facts,} of the above, the ends of justice would be met, if we direct the respondents to consider the claim of the applicant if he is otherwise similarly placed as ^{the &} those of the applicants in the aforesaid OAs No.904, 40, 448 and 304 of 2002 for grant of higher pay scale from the due date. **Accordingly. The** we do so/ ^{for adjudication &} order dated 17.2.2004 of the Tribunal in the aforesaid OAs is still pending in the Hon'ble High Court in Writ Petition 4601/04, therefore, our above direction



given to the respondents in respect of the present applicant will be subject to the outcome of the judgment of the Hon'ble High Court in W.P. No.4601/04. With these directions, the O.A. is disposed of. No costs.

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(Madan Mohan)
Judicial Member

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(M.P. Singh)
Vice Chairman

प्रतिवेदन सं. अथवा..... दि.....

- (1) कतिपय...
- (2) ...
- (3) ...
- (4) ...

V. Tripathi
J.P. Dhamaulkar

Issued
On 1.06.05