

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT SITTING : INDORE

Original Application No.790 of 2003

Indore, this the 13<sup>th</sup> day of January, 2005

Hon'ble Shri M.P.Singh - Vice Chairman  
Hon'ble Shri Madan Mohan - Judicial Member

1. A.K.Sarkar, S/o late Shri Manmohan Sarkar,  
Aged 55 years.
2. B.D.Chakraborty, S/o late Shri Sumanta  
Kumar Chakraborty, Aged 56 years.
3. Mukunda Mandal, S/o late Shri Balaram  
Mandal, Aged 56 years.
4. Nimalendu Biswas, S/o late Shri K.C.Biswas,  
Aged 56 years.
5. Himangshu Kumar Ray, S/o late Shri J.N.Ray,  
Aged 56 years.
6. Sunil Chandra Das, S/o late Shri Upendra  
Chandra Das, Aged 58 years.
7. Smt.Malti Rami Malakar, W/o late Shri J.N.Malakar,  
Aged 50 years.
8. Gopalchandra Paul (Retired), S/o late Shri Pachuram  
Paul, Aged 53 years.

All c/o Bank Note Press, Dewas (M.P.) 455001

- APPLICANTS

(By Advocate - Shri G.S.Patwardhan)

Versus

1. Union of India, through Secretary, Ministry  
of Home Affairs, New Delhi.
2. General Manager, Bank Note Press,  
Dewas (M.P.) 455001

- RESPONDENTS

(By Advocate- Shri Umesh Gajankush)

ORDER

By M.P.Singh, Vice Chairman -

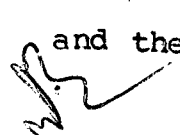
By filing this Original Application, the  
applicants have claimed the following main reliefs-

"(i)..to hold that the applicants are entitled to  
pay scale of Rs.1400-2600/- and Rs.1640-2900/-  
with consequential benefits with effect from  
1/1/86".

*nikh*

2. The brief facts of the case are that the applicants, 8 in number were earlier working as Primary School Teacher in Dandakaranya Project. They were declared surplus in the Dandakaranya Project and their services were transferred to respondent no.2. According to the applicants, they are entitled for the benefits of the recommendations of the National Pay Commission (known as Chattopadhyay Commission). They have been making representations to the respondents but the respondents have not granted them these benefits. Hence this O.A.

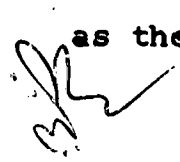
3. The respondents in their reply have stated that the applicants, who were working in the Dandakaranya Project, were declared surplus and thereafter they were redeployed under the respondents in November, 1985. The applicants 1 to 7 submitted representations dated 3.3.2000 to the respondent no.2. The respondent no.2 forwarded the representations to the Ministry of Home Affairs, Rehabilitation Division (Settlement) vide letter dated 23.3.2000. The Ministry of Home Affairs vide their letter dated 27.11.2000 (Annexure-R-2) have stated that the ex-teachers of defunct Dandakaranya Project, who were re-deployed in different Ministries/Departments prior to 1.1.1986, are not eligible for benefit of revised pay scale as recommended by National Pay Commission (Chattopadhyay Commission). The respondents have further stated that the contention of the applicants that the benefits should be extended to them as per the judgment of the Hon'ble Supreme Court in Civil Appeals Nos. 12448, 12449, 12504 & 12505 of 1996, is not acceptable in their case, as these benefits were granted with effect from 1.1.1986. In the present case, the benefits cannot be extended to the applicants for the reason that they were not working as Teachers on 1.1.1986 as they were in fact redeployed prior to 1.1.1986. Therefore, the reliefs sought for by the applicants in the present OA are not justified and the OA deserves to be dismissed.



4. Heard the learned counsel of both the parties and perused the pleadings.

5. The question for consideration in this case is whether the applicants who were earlier working as Primary Teachers in Dandakaranya Project and were redeployed in the Bank Note Press prior to 1.1.1986 on being declared surplus, are entitled for the benefit of recommendations of the Chattopadhyay Commission) which became effective from 1.1.1986? In this context the learned counsel for the applicants has placed reliance on the decision of Calcutta Bench of the Tribunal in O.A.No.591/1991 (Bijoy Lal Ghosh & others Vs. Union of India and others) decided on 31.3.1995, and also on the decision of the Hon'ble Supreme Court in Civil Appeal Nos. 12448, 12504, 12449 and 12505 of 1996 titled Union of India & others Vs. Sh. Bijoy Lal Ghose and others dated 4.3.1998. We find from para 8 of the aforesaid order dated 31.3.1995 of the Tribunal in the case of Bijoy Lal Ghosh (supra) that the applicants in that OA were working in different primary schools under the Dandakaranya Project in April, 1986, and it is for this reason they were given the benefit of the recommendation of the Chattopadhyay Commission which became effective from 1.1.1986. The Tribunal in para 8 of the said order has observed that "there is no dispute about the fact that in April 1986 the petitioners were working in different primary schools under the DDA and that the HRD Ministry's circular dated 12.8.87 implementing the Chattopadhyay Committee's report was made effective from 1.1.86". Similarly, their lordships in their order dated 4.3.1998 in the aforesaid Civil Appeals in/ <sup>the case of</sup> Bijoy Lal Ghosh have made the same observations.

6. Since the applicants in the present case have been redeployed on being declared surplus in November, 1985, they are not entitled for the benefit of the recommendations of the Chattopadhyay Commission which were made effective from 1.1.1986 as the applicants were not working as Primary Teacher on that day.



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