

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

O.A.No.571 of 2000

Hon'ble Shri J.K.Kausnik, Judicial Member-

for consideration pl.

(Signature)

(R.K.Upadhyaya)
Administrative Member
6.5.2003

I agree
(Signature)

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTINGS, GWALIOR

Original Application No. 571 of 2000

Jabalpur, this the 7th day of May, 2003

Hon'ble Mr. R.K. Upadhyaya, Administrative Member
Hon'ble Mr. J.K. Kaushik, Judicial Member

B.N. Tiwari aged 50 years, S/o late Shri
Kalloo Tiwari, Asstt. Director (A&C),
89, Maharana Pratap Nagar, Usha Colony,
Lashkar, Jhansi Road, Gwalior.

- Applicant

(By Advocate Shri S.C. Sharma)

Versus

1. Union of India through Secretary,
Ministry of (TEX) Udyog Bhawan, New Delhi.
2. Development Commissioner (Handicrafts),
O/o Development Commissioner (H), West
Block No. 7, R.K. Puram, New Delhi.
3. Regional Director (WR), O/o Development
Commr (H), 294, Haroon House, P-Nariman Street,
Fort-Mumbai

- Respondents

(By Advocate - Shri P.N. Kelkar)

O R D E R

By R.K. Upadhyaya, Administrative Member-

The applicant has claimed benefit of order dated 16.5.1997 (Annexure-A-2) by which pay scale of Rs. 550-900 in Group 'B' w.e.f. 1.3.1978 has been restored to those officers who were holding the post of JFOs in Carpet Scheme prior to 1.3.1978 and whose posts were redesignated as C.T.O. in the scale of pay of Rs. 550-800.

2. It is claimed by the applicant that he was initially appointed as Junior Field Officer, Group 'B' Class-II (Non-Gazetted) in the pay scale of Rs. 550-900 with effect from 10.2.1976. He was continuing to work on the said post till the post of JFO Group AB, Class-II (Non-Gazetted) was redesignated w.e.f. 1.3.1978 in the pay scale of Rs. 550-800 vide order dated 15.2.1978 (Annexure-A-1). It is claimed by the applicant that under the threat of the respondents, the applicant had no other alternative but to accept the redesignated

post of Carpet Training Officer in the pay scale of Rs.550-800. He had accepted the redesignated post under protest. It is stated that the original pay scale of Rs.550-900 has since been restored vide order dated 16.5.1997 (Annexure-A-2). In spite of the fact that the applicant has been representing to the respondents to allow the benefit of restoration of the pay scale, his representation has not been decided so far. In this connection reply dated 4.11.1997(Annexure-A-4) received from the respondents was referred to. In this reply, the respondent no.3 has stated that his case was forwarded to the headquarters, who have informed that the benefit was to be given only to those CTOs whose names ^{of} found place in the list. The learned counsel also invited attention to a rejoinder filed by the applicant along with which the applicant has filed a copy of the order dated 12.2.2001 in O.A.No.1393 of 1997 Shatrughan Pandey & others Vs. Union of India & others and the order dated 14.2.2002 in O.A.No.140/2002, G.R.Singh Vs. Union of India & others, where the benefit has been given to the applicants in those cases. It was, therefore, urged by the learned counsel of the applicant that this is a case of discrimination so far as the applicant is concerned and this Tribunal should order payment of the higher pay scale of Rs.550-900 to the applicant with effect from 1.3.1978.

3. The learned counsel of the respondents invited attention to the reply filed, in which it has been stated ^{applicant} that all cases including the case of the ^{applicant} were examined and sent to the I.F.W. Administrative Ministry, who advised the respondents to take up such type of matters only after the regularisation of the 45 persons by the UPSC in whose favour the restoration order was issued earlier on personal basis. The respondents have also stated that the entire O.A. is premature as the matter is being referred to the

Ministry of Law & Justice and is in the process of consideration. According to the respondents, there is no discrimination so far as the applicant is concerned. In fact he should have waited the decision of respondents in this regard specially when the matter did not relate to the applicant alone but other 54 persons also. In this view of the matter, the learned counsel of the applicant stated that the present O.A. being premature should be dismissed as such.

4. We have carefully considered the submissions of the learned counsel of the parties and perused the material available on record.

5. The fact that the applicant was a regular appointee in the scale of Rs.550-900 before his designation was changed as CTO in the scale of Rs.550-800 is undisputed. Merely because the applicant has been waiting for similar treatment as has been given by order dated 30.9.1997 (Annexure-A-10) to 45 CTOs on personal basis does not make his claim as premature. This aspect has been examined by the Allahabad Bench of the Tribunal in the case of G.R.Singh (supra). The Allahabad bench made the following observations in that case -

"2. Since there is no doubt about the scale applicable for Carpet Training Officer in the respondents establishment now after the judgment of the Hon'ble Supreme Court, the applicant is entitled to get the scale from the date of his appointment as has been done in the case of his juniors".

The Allahabad Bench in the aforesaid case has directed the respondent no.2 to decide the representation within four weeks from the date of receipt of a copy of that order by speaking order. In the case of Shatrughan Pandey (supra) the Allahabad Bench of this Tribunal has directed the respondents to pay salary to the applicants, in that case, equivalent to CTOs.

Amrinder Singh

6. In view of the fact that the case of the applicant is pari materia similar to the CTOs who have been granted the benefit of higher pay scale as per order dated 30.9.1997 (Annexure-A-10), the respondents are directed to grant the higher scale to the applicant also along with consequential benefits within a period of four months from the date of communication of this order.

7. In the result, the O.A. is allowed with the direction as contained in the preceding paragraph. In the facts and circumstances of the case, the parties are directed to bear their own costs.

(J.K.Kaushik)
(J.K.Kaushik)
Judicial Member

(R.K.Upadhyaya)
(R.K.Upadhyaya)
Administrative Member.

rkv.

पृष्ठकल सं ओ/न्या.....जबलपुर, दि.....

पतिलिपि अर्पित:-

- (1) सचिव, उ. प्र. हाईकोर्ट, जबलपुर
- (2) आदेशिका, उ. प्र. हाईकोर्ट, जबलपुर के काउंसल SC Sharma, Adw.
- (3) प्रत्यक्षी, उ. प्र. हाईकोर्ट, जबलपुर के काउंसल PN Kelkar, Adw. GWH
- (4) कथपत्र, के.प्र. हाईकोर्ट, जबलपुर के काउंसल

सूचना एवं आवश्यक कार्यवाही हेतु

(R.K.Upadhyaya)
उ. प्र. हाईकोर्ट
12/5/03

Issued
on 12.5.03
BS