

**Central Administrative Tribunal
Jaipur Bench, JAIPUR**

OA.38/2006

This the 15th day of April, 2010

Hon'ble Mr. M.L. Chauhan, Member (Judicial)
Hon'ble Mr B.L.Khatri, Member (Administrative)

Smt. Hajra Zaib, W/o shri Nasim Zaib, aged about 48 years,
Resident of 3978, Jagannath Shah Ka Rasta, Ramganj Bazar,
Jaipur at present Casual Production Assistant, Doordarshan
Kendra, Jaipur(Raj.)

..... Applicant

(By Advocate: Shri Prahlad Singh)

- **Versus** -

1. The Union of India through the Secretary to the Government , Ministry of Information and Broadcasting, Government of India, New Delhi.
2. The Director General, Doordarshan Kendra, mandi House, New Delhi.
3. The Director, Doordarshan Kendra, Jhalana Doongari, Jaipur (Raj.)

..... Respondents

(By Advocate: Shri Brijesh Kumar proxy for Sh.T.P.Sharma)

ORDER (Oral)

The grievance of the applicant is regarding grant of upgraded pay-scale of Rs.6500-10500 instead of Rs.5000-8000, as has been granted to the persons who were engaged after the applicant. The contention of the applicant is that persons, who were engaged, after the applicant has been granted pay scale of Rs. 6500-10500, whereas such benefits has been denied to him vide order dated 22/25.2.2002 (Annexure A-1) on the ground that he was appointed after the cut of date i.e. 25.2.1999 and upgraded pay-scale is admissible only to those persons, who have worked prior to that date.

62

2. Notice of this application was given to the respondents. The respondents have filed their reply thereby opposing the claim of the applicant. The ~~respondent~~^{representative} has also placed on record the subsequent representation dated 22.8.2007 (Annexure A-2) whereby he has given instances of persons who have been appointed after the cut of date and have been extended the benefit of upgraded pay scale of Rs. 6500-10500/-.

3. Learned counsel for applicant while drawing our attention to the material placed on record, submits that Shri Sudhir Kumar whose date of booking has been shown as 13.6.1988 and the date of appointment has been shown 29.6.2000 has been granted benefit of upgradaded pay scale 6500-10500/-. Learned counsel for applicant has also drawn our attention to Seniority List of Production Assistants dated 12/13.12.2006 (Annexure A-22) whereby the name of the applicant finds mention at Sr. No. 606 with date of appointment as Production Assistant as 23.8.2001. The perusal of this document further reveals that the name of Shri Shyam Rohera has been mentioned at Sr. No. 608 with date of appointment as 21.1.2002. Learned counsel for applicant argued that the benefit of upgraded pay scale has been extended to Shri Shyam Rohera vide order 16.7.2007 whereas no such benefits has been extended to the applicant.

4. We have given due consideration to the submission made by learned counsel for the applicant. We are of the view that the matter can be dispose of at this stage with a direction to the appropriate authority to decide the representation of the applicant

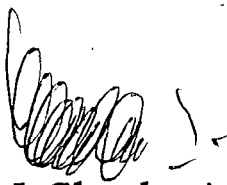
by passing speaking and reasoned order as to why similar benefits can not be extended to the applicant which benefit was granted to the persons similarly situated more particularly to Shri Shyam Rohera, who is admittedly junior to the applicant as per seniority list prepared by the respondents themselves. Further as already noticed above, Shri Shyam Rohera and others have also been granted benefits of the upgraded pay scale, even though they were appointed after the cut of date, whereas the upgraded pay scale has been denied to the applicant on the premise that he was engaged after the cut off date.

5. Accordingly, the present OA is disposed of at this stage with a direction to the respondents to decide the representation of the applicant Annexure A-27 dated 22.8.2007 by passing speaking and reasoned order within a period of two months from the date of receipt of a copy of this order, thereby dealing with all the contentions so raised by the applicant in the aforesaid representation. We wish to make it clear that we have not gone into the merit of the case and present OA is being disposed of for the purpose of reconsideration of the representation of the applicant on the premise that the benefit of upgraded pay scale has been extended to the persons who were junior to the applicant whereas such benefit has been denied to the applicant. Needless to add that if the applicant is still aggrieved by the order so passed on the representation of the applicant, it will be open for ^{her} to file fresh OA. It is made clear that the decision on the representation (Annexure A-27) shall be taken by the respondents in the light of

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observations made hereinabove, notwithstanding the fact that the respondent has already taken such decision on the representation of the applicant in the past.


(B.L. Khatri)
Member (Administrative)


(M.L. Chauhan)
Member (Judicial)

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