

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

ORIGINAL APPLICATION NO. 060/01079/2018

Chandigarh, this the 24th day of September , 2018

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

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Gursewak Singh aged about 52 years son of Balwant Singh, Ex-Education Officer, CBWE, R/o H. No. 857, Aatama Singh Urban Estate, Kapurthala City, Punjab through his Attorney Rajvir Kaur wife of Gursewak Singh, R/o H. No. 857, Atma Singh Urban Estate Kapurthala, Punjab (who served as retired Education Officer) (Special Power of Attorney attached herewith) Group-B, Pin 144601.

....APPLICANT

(By Advocate: Shri Vikram Anand)

VERSUS

1. Union of India, service the Secretary to the Government of India, Ministry of Labour and Employment, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001.
2. The Secretary to the Govt. of India, Department of Expenditure, Ministry of Finance, North Block, New Delhi-110001.
3. The Chairman, Central Board of Workers Education, Room No. 21 & 22, Barrack No. 7/10, Jam Nagar House, Man Singh Road, New Delhi-110001.
4. The Director, Central Board for Workers Education, North Ambazari Road, Near Vnit Gate, Nagpur-440001.

....RESPONDENTS

(By Advocate: Shri Ram Lal Gupta)

ORDER (Oral)**SANJEEV KAUSHIK, MEMBER (J)**

The present Original Application (O.A.) has been filed wherein the applicant is seeking following relief:-

“i) To direct the respondents to release the revised pay scale as allowed to other similarly situated Education Officer as per judgment of Hon’ble Central Administrative Tribunal Calcutta Bench, Kolkata (Annexure A-3) and other Judgments (Annexure A-5 colly) accepted by the department vide Memorandum dated 28.05.2008 i.e. the pay scale of Rs. 8000-13500 with effect from 01.01.1996 and subsequently revised to Rs. 9600-34800+ G.P. Rs. 5400/- on the basis of recommendation of VIth Central Pay Commission.

ii) Further direct the respondent to revise the pension and other financial benefits of the applicant accordingly and release the arrears of revised pay scales and pension, DCRG, Leave encashment etc. at the earliest possible along with interest @ 18% till the actual date of actual realization of the amount.

iii) Further direct the respondents to pay compensation to the applicant because of the mental agony, harassment caused to him because the memorandum has not been followed by the department even after the judgment of Hon’ble Calcutta Bench because of which there is violation of principles of natural justice.

iv) This Hon’ble Tribunal may also pass any other order in favour of the applicant which it may deem fit in the peculiar facts and circumstances of the case.”

2. On the commence of hearing, the learned counsel for the applicant very fairly submitted that before approaching this Tribunal, the applicant has served a representation dated 24.12.2015 followed by reminder dated 31.05.2018 (Annexure A-6 colly) for extending the benefit of judgment passed by the Calcutta Bench of this Tribunal in O.A. No. 566/2007 titled

Central Board for Workers Education Officers' Association (CBWE) & Ors. vs. Union of India & Ors. decided on 27.09.2007 (Annexure A-3) wherein while disposing of the O.A. the respondents therein were directed to consider the implementation of Dasgupta Commission Report in implementing the pay scales keeping in view observations made therein and also to consider direction of Mumbai Bench for restoration of status of Education Officer, equivalent to Group-A (Class-I) officers notionally from 1.1.1996. Learned counsel further submitted that subsequent to that also, when the benefit was not granted in favour of similarly situated persons, by the respondent department, then they approached the Court and a direction was issued in their favour to grant them the same benefit.

3. Learned counsel submits that based on the judicial pronouncement the applicant submitted representation aforementioned for grant of same relief which has not been answered by the respondent department till date. Therefore, he made a statement at the bar that he will be satisfied if a time-bound direction is issued to Competent Authority amongst the respondents to decide his pending representation by passing a reasoned and speaking order thereon. He also submitted that since the directions of Calcutta Bench of this Tribunal have been implemented, then it cannot be said that the said decision of the Tribunal is per incuriam as once the direction has been issued to implement the judgment on settlement of

an issue, then it has to be granted qua other similarly situated persons as well.

4. Issue notice to respondents.

5. At this stage, Shri Ram Lal Gupta, Sr. Standing Counsel for UOI, present in Court, accepts notice on behalf of respondents and did not object for disposal of the O.A. in the above noted term.

6. In the wake of above, and with the consent of both the parties, the O.A. is disposed of at this stage with a direction to the Competent Authority amongst the respondents to take a final decision on the pending representation of the applicant (Annexure A-6) in the light of ratio laid down in the case relied on by the applicant, by passing a reasoned and speaking order within a period of three months from the date of receipt of certified copy of this order and the order so passed be communicated to the applicant.

7. The disposal of the O.A. will not be construed as an expression on the merit of the case.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 24.09.2018

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