

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA
(CIRCUIT SITTING AT PORT BLAIR)**

No. O.A. 345/AN/2019
M.A. 190/AN/2019

Date of order: 26.3.2019

Present : Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

1. Shri Sunil Ekka,
S/o. Shri Joseph Ekka,
R/o. Bahadur Line,
Presently working as Lab Attendant,
At Govt. Ser. Sec. School, Mannarghat,
South Andaman.
2. Smti. Abha Manjula Minj,
W/o. Shri Kannan
R/o. Prem Nagar,
Presently working as Lab Attendant,
At Govt. Sr. Sec. School, Mohanpura,
Port Blair.
3. Smti. Ciscily,
W/o. Shri Bonetree,
R/o. Nayagaon
Presently working as Lab Attendant
At Govt. Sr. Sec. School Girls,
Port Blair.

Applicants

VERSUS -

1. The Union of India (Through the Secretary,
Ministry of Human Resource & Development),
New Delhi – 1.
2. The Lt. Governor,
A & N Islands,
Raj-Niwas.
3. The Chief Secretary,
A&N Administration,
Port Blair.
4. The Secretary (Education),
A&N Administration,
Port Blair.
5. The Director of Education,
A&N Administration,
Port Blair.
6. The Deputy Director of Education (Per),
Directorate of Education,

Manjula Das

A&N Administration,
Port Blair.

.. Respondents

For the Applicants : Mr. M.P. Kamraj, Counsel

For the Respondents : None

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The instant Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

- a. Leave to file the instant application jointly under Rule 4(5)(a) of the Administrative Tribunal rules since the prayers and reliefs are common in terms of Rules of this Hon'ble Tribunal.
- b. An order do issue directing the respondents to fix the scale of pay of the applicants firstly in Rs. 1200/- - Rs. 2400/- (Pre-Revised) as per the 4th Pay Commission and subsequently to Rs. 4000/- Rs. 6000/- (Revised) as per the 5th Pay Commission and strictly in accordance with the Memo dated 14.7.1972 (Annexure - C) and to give the consequential benefits forthwith.
- c. An order do issue to fix the pay scales of the applicants from the date of their initial appointment as per the recommendations of the Pay Commission and also to pay the arrears and other consequential benefits from the date of their initial appointment to till date.
- d. An order do issue to consider the case of the applicants as was done to similarly situated applicants in O.A. No. 73/AN/2003 and O.A. No. 71/AN/2008.
- e. An order directing the respondent authorities to consider and dispose of the representations pending for disposal before the authorities concerned forthwith.
- f. To direct the respondents to produce the entire records of the case before the Hon'ble Tribunal for adjudication of the points at issue and administering consonable justice.
- g. Costs and incidentals.
- h. And to pass such further or other order(s) and/or direction (s) as to this Hon'ble Tribunal may deem fit and proper.

2. An M.A. bearing No. 190/AN/2019 has been filed by the applicants praying for liberty for joint prosecution under Rule 4(5)(a) of Central Administrative Tribunal (Procedure) Rules, 1987. On being satisfied that the applicants have a common interest and common cause of action, the M.A. is allowed and disposed of accordingly.

3. Ld. Counsel for the applicants is present and heard. Affidavit of service is taken on record. This matter is taken up at the admission stage.

W.H.

4. The case of the applicants, as articulated through his Ld. Counsel, is that, the applicants are Lab Attendants appointed in different schools with the respondent authorities between the years 1992 and 1997. That, similarly situated applicants had earlier filed an O.A. No. 73/AN/2003, in which they had claimed the pay scales of Rs. 1200-2040/- and Rs. 4000-6000/- as recommended by the 4th and 5th Pay Commissions respectively. That, the respondent authorities, in compliance to the orders of the Tribunal, passed an order granting the benefits to such applicants including the arrears of pay from the date of their initial appointment. Again, in response to Tribunal's orders in O.A. No. 71/AN/2008, the respondent authorities considered the prayer of the applicants therein and granted them same benefits. Further, in response to an Original Application filed by one Shri Subhash Mondal in O.A. No. 12/AN/2010, the Tribunal directed the respondent authorities to enhance the pay scale of the applicants from the date of his initial appointment as granted to similarly situated applicants in O.A. No. 73/AN/2003 and O.A. No. 71/AN/2003 respectively. Although the respondent authorities had challenged the order of the Tribunal issued in O.A. No. 12/AN/2010, the same was dismissed by the Hon'ble High Court as well as by the Hon'ble Apex Court. Thereafter, the respondent authorities, in compliance with the orders passed by the Hon'ble Apex Court, refixed the pay scale of said Shri Subhash Mondal in the scales of pay of Rs. 1200-2040/- as per 4th CPC and Rs. 4000-6000/- as per 5th CPC from the date of his initial appointment.

Hence, the applicants who are similarly circumstanced as Shri Subhash Mondal, Lab Attendant, represented variously before the respondent authorities in February, 2018 and November, 2018 (Annexure A-7 to the O.A. colly.) praying for similar benefits as accorded to Shri Subhash Mondal, Lab Attendant, vide orders dated 11.10.2018 and, as such representations remain pending at the end of the respondent authorities, Ld. Counsel for the applicants submits that the applicants would be fairly satisfied if a direction is issued to the competent respondent authority to dispose of the same in a time bound manner.

[Signature]

4. Although the respondents are not represented during hearing, we are of the considered view that it would not be prejudicial to direct the concerned respondent authority to dispose of the pending representations, in accordance with law, within a specific time frame.

5. Accordingly, without entering into the merits of the matter, we direct the respondent No. 5, who is the Director of Education, A&N Administration to examine the contents of the representations (as Annexed as A-7 colly. to the O.A.), if received at his end, and, to issue reasoned and speaking orders in accordance with law within four weeks thereafter and after examining whether the applicants are similarly circumstanced as that of Shri Subhash Mondal, Lab Attendant, who had been granted benefits by the respondents' orders dated 11.10.2018. In case, the applicants are found to be similarly circumstanced as Shri Subhash Mondal, Lab Attendant, necessary orders in favour of the applicants should be issued by the concerned respondent authorities within a period of four weeks from the date of issue of such reasoned orders.

6. With these directions, the O.A. is disposed of. There will be no orders on costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Manjula Das)
Judicial Member

SP