

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

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No. O.A. 350/00191/2014

Date of order: 15.2.2016

Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

STEEL EXECUTIVES FEDERATION OF INDIA & ANR.
REPRESENTED BY MR. T. YADAV

VS.

UNION OF INDIA & ORS. (SAIL)

For the Applicants : Mr. A. Samanta, Counsel

For the Respondents : Ms. R. Basu, Counsel
Mr. B. Saha, Counsel

ORDER (Oral)

Justice Shri Vishnu Chandra Gupta, Judicial Member:

Heard the Ld. Counsel for the petitioner and the respondents and perused the record.

2. This O.A. has been filed seeking the following reliefs:-

"(a) To set-aside the order bearing No. 2 (82)/09-DPE(WC) dated 23.8.2013 passed by the Secretary to the Government of India, Ministry of Heavy Industries & Public Enterprises, Department of Public Enterprises.

(b) An order do issue directing the respondents to make payments of revised perks and allowances to the members of the applicant no. 1 for period from 26.11.2008 to 4.10.2009 along with interest at the rate of 18% per annum till the date of actual payment.

(c) An order do issue to pay to the eligible Executive employees of SAIL, MECON etc. the perks and allowances with effect from 26th November, 2008 to 4th October, 2009 in terms of the Office Memos dated 26.11.2008 and 2.4.2009 issued by the respondent No. 2 being Annexure "A-1" & "A-2"

herein.



(d) A declaration do issue directing the respondents that Executives employees of SAIL & MECON are entitled to financial benefit including perks and allowances for the period 26.11.2008 to 4.10.2009 along with interest at the rate of 18% per annum accrued thereon till the date of actual payment.

(e) To pass appropriate direction or directions, order or orders of consequential reliefs for payment of arrears with interest;

(f) Pass appropriate order awarding cost of this application;

(g) Leave may be granted to file this Joint petition under Rule 4(5)(b) of CAT (Procedure) Rule, 1987."

3. The facts in brief are that in this case the Ministry of Steel extended the benefit of revised perks and allowances to the executives and lower executives and employees of Rastriya Ispat Nigam Limited (RINL) from 26.11.2008 but in the case of Steel Authority of India Ltd. (SAIL) this benefit was extended from 5.10.2009 on the ground that Presidential directives were issued on 5.10.2009 and only then the payment was made from the date of issue of Presidential direction.

4. Our attention has also been drawn by the Ld. Counsel for Union of India towards para 5(a) of reply wherein it has been mentioned that as Government, after due consideration of the recommendations of the Committee of Ministers took certain decisions communicated vide O.M. dated 2.4.2009 of DPE. It is, inter alia, stipulated therein that the effective date for revising allowances may be taken as 26.11.2008, if the Presidential Directives were issued by the respective Ministries/Departments within one month from the date of issue of the O.M. dated 2.4.2009. It was further mentioned in the O.M. that if the Presidential Directives has not been issued within the stipulated period of one month, the revised allowances shall be effective only from the date of issue of the Presidential Directives by the respective Ministry/Department. The copies of O.M.s dated

26.11.2008 and 2.4.2009 are annexed and marked R-1 and R-2 respectively.

5. It is not in dispute that RINL and SAIL both government entrepreneurs are governed by the same Ministry but why this distinction has been drawn between employees of SAIL and RINL has not been demonstrated satisfactorily before this Tribunal. Contrary to it the paragraph relied upon by the Union of India itself shows that the Ministries concerned has to take decision within a period of one month. If the decision has been taken in respect of one entrepreneur by the same Ministry within one month then there is no occasion for that particular Ministry to take decision for another entrepreneur after lapse of one month. The discrimination cannot be permitted in these circumstances on account of non-action of Government of India. For this delay the petitioner, cannot be blamed.

6. Hence, we are of the opinion that petition may be allowed with direction to that concerned Ministry shall consider this aspect within one month and take appropriate decision of revised payment of revised perks and allowances to the petitioners' members and all similarly situated persons from the date of issue of O.M. dt. 26.11.2008, the date made applicable in the case of RINL.

7. The O.A. is, accordingly, disposed of. There shall be no order as to costs.

(Jaya Das Gupta)
MEMBER(A)

(Vishnu Chandra Gupta)
MEMBER(J)

SP