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**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**

O.A/350/446/2017

Date of Order: 08.07.2019.

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

1. Dinkar Kumar, son of Shamdeo Prasad Singh, Trained Graduate Teacher, Personal No. 818251, Rifle Factory High School, Ishapur, h/No. 14, Bazarpara, P.O Nawabganj Ichapur, Dist. North 24 Parganas, W. B. Pin 743144.
2. Smt. Indra Shaw, w/o Uttam Shaw, Trained Graduate Teacher, Personal No. 601598, Rifle Factory High School, Ishapur, r/o 395/1, Noapara Bye Lane Gurulia, Post: Gurulia Dist. North 24 Parganas, W.B. Pin 743144.
3. Smt. Ichhabati Dash, w/o Manoranjan, Trained Graduate Teacher, Personal No. 818254, Rifle Factory High School, Ishapur, r/o Bapuji Colony, Kalitala, Ichapur, Po: Nawabganj, Dist. North 24 Parganas, W.B.
4. Rajiv Ranjan Nirala, s/o S.P. Singh, Trained Graduate Teacher, Personal No. 818250, Rifle Factory High School, Ishapur, r/o Q. No. 147, Type -III, The Park, Ichapur, Post : Nawabgunj, Dist: North 24 Parganas, W.B. Pin: 743144.
5. Wilfred Dang, s/o Daniel Dang, Trained Graduate Teacher, Personal No. 818249, Rifle Factory High School, Ishapur, r/o Q. No. 32/W/GF, The Park, Ichapur, Post : Nawabgunj, Dist: North 24 Parganas, W.B. Pin: 743144.
6. Mithilesh Kumar Singh, s/o D.K. Singh, Trained Graduate Teacher, Personal No. 818248, Rifle Factory High School, Ishapur, r/o Q. No. 41/E/FF, The Park, Ichapur, Post : Nawabgunj, Dist: North 24 Parganas, W.B. Pin: 743144.
7. Santosh Kumar Jha, s/o K.N. Jha, Trained Graduate Teacher, Personal No. 818246, Rifle Factory High School, Ishapur, r/o 2/1 MM Feeder Road, Flat No. A/2C, PO: Belgharia, Dist. North 24 Parganas, W.B. Pin 700056.

--Applicants.

-vs-

1. Union of India, through the Secretary, Department of Defence Production, Ministry of Defence, Govt. of India Block, New Delhi, Pin: 110001.

2. The Chairman, Ordnance Factory Board, Min. Of Def,
Govt. of India, Shahid Khudiram Bose Rd. Kolkata, W.B.
Pin: 700001.

3. The General Manager, Rifle Factory Ishapore, Post
Nawabganj, District North 24 Parganas, W.B. Pin 743144.

--Respondents.

For The Applicant(s): None

For The Respondent(s): Mr. A. K. Chattopadhyay, counsel

O R D E R (Oral)

Per: Ms. Bidisha Banerjee, Member (J):

The applicants have filed this application seeking the following relief:

"8.1) Looking into the fact stated in the application the Honorable Tribunal be kind accord permission to file this application jointly under Rule 4(5)(a) of the CAT Procedure Rules 1987, as the grievances of the applicants are identical and common reliefs have been claimed by the applicants. The same relief was claimed in the previous joint application.

8.2. The Honorable Tribunal be kind to hold that two persons recruited under the same service rules (A/5) having same service conditions, designation, minimum qualification, & pay scales etc. Cannot be treated differently, in matter of revision of pay under the Sixth Pay commission with effect from 01/01/2006, as given higher initial pay only to fresher's appointed on or after 01/01/2006 has been of their respective Pay scale/Pay band ignoring the applicants is unfair.

8.3. The Honorable Tribunal be kind to hold that the order at Annexure A/1 of the Respondents only allowing higher entry pay at Rs. 12540/ in the Pay-Band - PB 2 to direct recruits in the grade Pay of Rs. 4600/, who were appointed on or after 01/01/2006 as prescribed in First Schedule Part-A, of Section-II, of the CCS (Revised Pay) Rules, 2008 are illegal and arbitrary and the applicants are also entitled to same initial basic pay at Rs. 12540, in Pay-Band P. B. 2, with grade pay, of Rs. 4600/-.

8.4. The Honorable Tribunal be kind to hold that in the alternative the applicants are entitled to get pay fixed by multiplying factor 1.86 X Rs. 7450/-, that is the upgraded existing old pay scale as on 01/01/2006, as notified by the Respondents in Annexure - A/3, A/8.

8.5 The Honorable Tribunal be kind to allow increment in case of bunching of pay in terms of the proviso to Rule 7(A) (i) & (ii) of the CCS(RP) Rules, 2008, as the applicants who were appointed in between 1998 and 1999, in the post of Trained Graduate Teacher, in the event of initial pay fixation at Rs. 12540 if pay of any applicant is fixed at the same stage of pay at two or more consecutive stages in an existing scale, that is to say bunched.

8.6. The Honorable be kind to allow consequential benefits of re-fixation, and to direct the Respondents to pay all dues as a consequences of re-fixation of pay to the applicants.

8.7. The Honorable Tribunal be kind to allow any other relief/reliefs as deemed fit and proper in the circumstances of the case."

2. Mr. A. K. Chattopadhyay, Id. counsel for the respondents submitted that the grievances of the applicants have been redressed and draws our attention to page 3 para 3.C of the supplementary reply.

3. Since the grievance of the applicants has been redressed, the O.A has become infructuous and is disposed of as being infrutuous.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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