

②

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 350/2003

This the 20th day of February, 2003

HON'BLE SH. V.K. MAJOTRA, MEMBER (A)
HON'BLE SH. KULDIP SINGH, MEMBER (J)

1. Shri R.K. Chandel
S/o Shri B.D. Chandel
R/o E-16/594, Tank Road
New Delhi-110 005.
2. Shri Rakesh Kumar Kahol
S/o Late K.C. Kahol
R/o RZ-110, Gali No:18
Bashish Park
New Delhi- 11- -46.
3. Ms. Kusum Lata
D/o Shri Sunder Lal
R/o F-249, Pandav Nagar
Mayur Vihar Phase No.1
Delhi.
4. Shri K.K. Ramanathan
S/o Shri K.r. Krishnam
R/o 46, I.T. Colony
North Pitampura
New Delhi- 110 088.
5. Ms. Sushma Kochar
W/o Shri Mahesh Kochar
R/o 178, Sector - 12
R.K. Puram
New Delhi.

...Applicants

(By Advocate: Sh. Manoj Chatterjee, Senior counsel with
Ms. K. Iyer)

Versus


1. Union of India
Represented by Secretary,
Ministry of Finance, North Block, New Delhi.
2. The Central Board of Direct Taxes
Represented by its Chairman
Ministry of Finance, North Block, New Delhi.
3. The Chief Commissioner of Income Tax
Central Revenue Building
New Delhi-110 001.

... Respondents.

ORDER (ORAL)

By Sh. V.K. Majotra, Member (A)

We have heard Sh. Manoj Chatterjee, learned senior
counsel with Ms. K. Iyer, learned counsel for applicants.



2. MA-364/2003 for joining is allowed.

3. Applicants claim that they were recruited as Data Entry Operators (DEO, for short) in the Directorate of Income Tax in terms of Recruitment Rules, namely, Income Tax Department (attached and subordinate offices) Data Entry Operators Recruitment Rules, 1987 (Annexure A-4) where minimum qualification prescribed was Graduation. These rules were later on amended on 13.8.88 where the minimum qualification was changed from Graduation to Matriculation.

4. Applicants joined between 15.2.89 and 20.6.89. Learned counsel stated that pursuant to the recommendations of 4th Pay Commission, rationalisation of the post of DEO was made whereby DEOs recruited prior to 13.08.1988 when 1988 Recruitment Rules were published, were designated as Grade-B and DEOs recruited by the advertisement published on 23.7.88 and later were designated as Grade-A. Whereas the pay scale of Grade-B was fixed at Rs.1350-2200, for DEO Grade-A it was fixed at Rs.1150-1500.

5. Respondents are alleged to have taken a view that since the applicants had joined the post of D.E.O. after promulgation of the amended rules, they are entitled to be placed in DEO Grade-A and not as Grade-B. Applicants have made a representation to the respondents vide their letter dated 11.3.2002 claiming placement in Grade-B. However, respondents have taken such a long time and not responded to the representation. Learned counsel has relied on the following decisions of this Tribunal:



- (i) order dated 9.12.97 in OA-170/95 decided by Hyderabad Bench of CAT between T.L.N.Reddy and others vs. Union of India and others.
- (ii) order dated 27.1.2003 decided by Madras Bench of CAT in OA-632/2002 between Shanti Raj Kumar and others vs. Union of India and others
- (iii) Judgment dated 28.3.2001 in WP No.9305/98 of High Court of Andhra Pradesh between Union of India and others vs. CAT and others whereby aforesaid orders of Hyderabad Bench of CAT was upheld.

6. Learned counsel stated that the applicants are similarly placed as applicants in the case of T.L.N.Reddy and others and Shanti Raj Kumar and others (supra) and as such are entitled to similar treatment as they are. Applicants in those cases were deemed to have been appointed as DEO as against graduate qualifications under the unamended rules which were in existence prior to 13.8.88 and they were directed to be fitted notionally in the scale of Rs.1350-2200 in accordance with the rationalisation of the posts dated 11.9.89 from the date of their appointment to the post and were accorded monetary benefits only from the date of filing the OA.

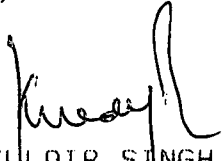
7. As applicant's representation has yet not been decided by the respondents, in our view, it would meet the ends of justice, if at this stage itself and without issuing notice to the respondents, respondents are called upon to decide applicant's representation by passing a detailed and speaking order by taking into consideration the aforestated judicial




5

[4]

decisions. Respondents are directed to take such a decision within a period of two months from the date of receipt of a copy of this order.


(KULDIP SINGH)
Member (J)


(V.K. MAJOTRA)
Member (A)

sd