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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.670/2003
MA 679/2003

New Delhi this the 26th day of March, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri Govindan S.Tampi, Member (A)

1. Harish Chandra Singh
S/O Sh.P.S.Bisht,
A-2861 Budha Mg.Mandwali
Fazalpur, Delhi.
2. Lalta Prasad Pal
S/O Sh.Kanhai Ram Pal,
32 N Sector IV DIZ Area,
Gole Mkt., New Delhi.
3. Puran Bhan,
S/O Sh.Guria Ram,
H.No.146, Block-D, Gali
No.30, Badarpur, Delhi.
4. Gopi Ram S/O Sh.Doji Ram,
Vill.Hasanpur, Ghaziabad.
5. Sukhbir Singh S/O Jagdish Ram
H.No.41, Tajpur Kalan, Delhi.
6. Sushil Kumar III
S/O G.L.Kataria,
H.No.791, Street 7,
Govindpuri, Kalkaji,
Delhi.
7. Ambi Ram S/O Hari Ram,
E-398,Dakhpur, New Delhi.

..Applicants

By Advocate Shri Deepak Verma)

VERSUS

1. The Secretary,
Dept.of Expenditure,
Ministry of Finance,
North Block, New Delhi.
2. The Secretary,
Dept.of Personnel and
Trg.(DP&T), North Block,
New Delhi.
3. The Secretary,
Union Public Service Commission,
Dholpur House, Shahjehan Road,
New Delhi.

..Respondents

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ORDER (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

This application has been filed by seven applicants who state that they are Data Entry Operators (DEOs) in Grades 'B' and 'C'. They are aggrieved by the order issued by respondent 3/UPSC dated 7.2.2003, the relevant portion of this impugned order reads as follows:-

" I am directed to refer to your letter dated 31.1.2003 on the subject cited above and to say that the benefit of the revision of pay scales has been granted to applicants of OA No.1649-51/2001 as per the instructions of Department of Personnel and Training. Hence, no action is taken on your notice for extending the benefits of revision of pay to other similarly situated EDP staff".

2. We have heard the learned counsel for the applicants and perused the relevant documents on record. The main prayer of the applicants is that the respondents should be given a direction to re-fix their pay in their respective scales w.e.f. 1.1.1986 instead of 11.9.1989 as done in the case of junior and other DEOs, with consequential benefits.

3. OA 1649/2001, with connected OAs, have been disposed of by Tribunal's order dated 28.1.2002, copy of which is placed at Annexure A-2. In those OAs, the present respondent No.3 had also been impleaded as respondent No.3. The Tribunal by its order dated 28.1.2002 has allowed the OAs with a direction to the respondents to grant the applicants the revised pay scales with effect from 1.1.1986 instead of 11.9.1989 and re-fix their pay accordingly, with

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consequential benefits. This order of the Tribunal has been upheld by the Hon'ble Delhi High Court by order dated 31.7.2002 and implemented as submitted by the learned counsel. The Tribunal has referred to the Full Bench judgement of the Tribunal in Babu Lal and Ors. Vs. Union of India and Ors (OA 2369/1999) and have stated that the applicants in OA 1649/2001, with connected cases, are identically placed as the applicants in those OAs who were granted the benefit of revised pay scales w.e.f. 1.1.1986. In spite of the fact that the respondents are fully aware of the judgement of the Tribunal in OA 1649/2001, with connected cases, they have chosen to reject the claims of the applicants for extending the benefit of revised pay scales as given to other similarly situated DEOs staff for no apparent reasons, except perhaps that the benefit of the revised pay scales has been granted only to the applicants in those OAs. To say the least, such a stand taken by a Constitutional Body like the U.P.S.C., in the circumstances of the case appears to be totally unjustifiable and unreasonable. We say so because the reasoning of the Tribunal's order dated 28.1.2002 has dealt with a similar situation and a similar stand taken by the respondents would only mean further proliferation of litigations which is not in public interest and should be avoided. In this regard, we would also like to mention another similar order of the Tribunal in Pratap Singh and Ors. Vs. The Secretary, Ministry of Defence and Ors.(OA 1563/2002) in which one of us(Shri Govindan S.Tampi, Member (A)) was a Member. (copy of the judgement placed on record). In a recent order of the Tribunal in S.P.Nagal and Ors. Vs.

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Union of India through the Secretary, Department of Statistics and Ors. (OA 1251/2002) in which one of us (Smt. Lakshmi Swaminathan, V.C(J)) was also a Member (copy placed on record), the OA was allowed. A direction was given to the respondents to treat the applicants at par with other similarly situated DEOs Grade 'C', so far as giving them the consequential monetary benefits arising out of the refixation of pay w.e.f. 1.1.1986, as ordered by the Full Bench of the Tribunal in Babu Lal's case (supra). It, therefore, appears that in spite of consecutive orders of the Tribunal against various Departments of the Government of India, including the UPSC which is the concerned respondent in the present case, the principle of law applicable to such cases i.e. similar benefits ought to have been extended to similarly situated persons have been ignored. In the circumstances of the case, we see no reason why following the aforesaid judgements of the Tribunal, this application should not be allowed and we also see no reason to issue notices to the respondents who ought to have treated similarly situated persons uniformly, as provided under law.

5. In the result, for the reasons given above, the OA succeeds and is allowed with the following directions:-

(i) The respondents to treat the applicants at par with other similarly situated DEOs in grades 'B' & 'C' in so far as giving them the consequential monetary benefits arising out of the refixation of pay w.e.f. 1.1.1986, as done in the other cases (supra);

(ii) The above action shall be taken within three months from the date of receipt of a copy of this order.

(Govindan S. Tamai)
Member (A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice Chairman (J)