

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.1080/2003

New Delhi, the 9th day of February, 2004.

Hon'ble Shri V.K.Majotra, Vice Chairman(A)
Hon'ble Shri Shanker Raju, Member(J)

1. Mrs. Urmil Jaitley
W/o K.K. Jaitley
F-61 Nauraji Nagar,
New Delhi.
2. Mr. Vijay Abrol
W/o B.M. Abrol
G-613, Nauraji Nagar,
New Delhi. Applicants

(By Advocate: Shri Deepak Verma)

versus

1. Union of India through
The Secretary
Ministry of Statistics & P.I.
Sardar Patel Bhawan, Sansad Marg,
New Delhi-110001.
2. The Secretary
Dept. of Expenditure, Ministry of
Finance, North Block,
New Delhi-110011.
3. The Dy. Director General
Computer Centre
East Block X, R.K. Puram
New Delhi -110066. Respondents

(By Advocate: Shri R.N. Singh)

..... ORDER (oral)

Hon'ble Shri Shanker Raju, M(J)

In this OA applicant has prayed for the following
reliefs :-

- (i) Re-fix the pay of the applicants in the pre-revised scale of Rs.1600-2660 w.e.f. 1.1.86 or the date of their joining DPA whichever is later as done in the case of junior/other DPAs.
- (ii) To pay all consequential benefits as a result of such re-fixation alongwith costs.

(iii) Any other or further relief the Hon'ble Tribunal may deem fit & necessary. (12)

2. Applicant who had become regular DPA in the pre-revised pay scale of Rs.1200-2040 consequent upon redesignation of DATA Entry a Data Entry Operator in the pay scale of Rs.1350-2200 in OA-1763/1999 one of the applicant Mrs. Urmil Jaitley has sought benefit of pay scale w.e.f. 1.1.1986, which was allowed by an order dated 27.11.2000.

3. Learned counsel of the applicant Shri Deepak Verma contends that the Tribunal in OA-1332/1999 D.K. Sinha & Ors. Vs. UOI & Ors. decided on 11.2.2002 on the basis of decision of Apex court in C.M. Dadwa & Ors. Vs. UOI and Others JT 1998 (6) SC 602 which was allowed, claimed pay scale of Rs.1600-2260 w.e.f. 01.01.1986. The aforesaid decision was upheld by the Delhi High Court.

4. In this view of the matter, it is stated that being similarly circumstanced applicant be granted benefit of the decision (supra).

5. He relied upon decision in OA-1164/2003 dated 3.2.2004 in G.M. Mali Vs. UOI wherein similar benefit has been accorded.

6. On the otherhand, learned counsel of the respondents contends that as Mrs.Urmil Jaitley one of the applicant was the beneficiary of decision in OA-1763/1999, she cannot claim benefit of the aforesaid decision.

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7. We have carefully consider the revival contentions of the parties and perused the material on record.

8. In the light of decision of the Apex Court in K.C. Sharma Vs. UOI - 1990 SCC (L&S) - 226 similarly situated person cannot be deprived of benefit of a judgment in rem.

9. The contention put forth by the learned counsel that the applicant had already given benefit of the pay scale of Rs.5000-8000 cannot be countenanced as Apex in court Dadwa's case (supra) held illegal. The re-designation of the benefit was accorded in the pay scale of Rs.1600-2260 w.e.f. 01.01.1986.

10. We are satisfied that the claim on all fours is covered by the decision in G.M. Mali's case and Sinha's case (supra). As such the applicant cannot be deprived of the benefit.

11. In the result, OA is allowed. Respondents are directed to re-fix the pay in terms of para 8 of the OA while according the benefit to Mrs. Urmil Jaitley earlier pay scale made also be kept in view.

12. Direction be complied within a period of two months from the date of receipt of a copy of this order.
No. Costs.

S. Raju
(Shanker Raju)

Member (J)

V.K. Majotra
(V.K. Majotra)
Vice Chairman (A)

rb.

9-2-04