

Central Administrative Tribunal  
Principal Bench

O.A. No.1164/2003

New Delhi this the 3rd day of February, 2004

Hon'ble Shri Shanker Raju, Member (J)  
Hon'ble Shri Sarweshwar Jha, Member (A)

G.M. Mali S/o M.S. Mali  
r/o H.No. 343, I Block, Alpha Sector  
Greater Noida-201308.

-Applicant

(By Advocate: Shri Deepak Verma)

Versus

Union of India through

1. The Secretary  
Ministry of Statistics & P.I.  
Sardar Patel Bhavan, Sansad Marg,  
New Delhi-110001.
  2. The Dy. Director General  
Computer Centre  
East Block X, R.K. Puram,  
New Delhi-110066.
  3. The Chief Planner  
Town & Country Planning Organisation, GOI,  
E Block, Vikas Bhawan, I.P. Estate,  
New Delhi-110002 (Performa Respondent)
- Respondents

(By Advocate: Shri R.N. Singh)

ORDER (Oral)

Hon'ble Shri Shanker Raju, Member (J)

Applicant in this OA has sought extension of benefit of order dated 11.2.2002 in OA-1332/1999 D.K. Sinha Vs. Union of India stood affirmed by the High Court of Delhi and implemented by claiming refixation of pay in the pre-revised scale of Rs.1600-2660 w.e.f. 1.1.86 or from the date of joining as Data Processing Assistant (DPA) whichever is later with all consequential benefits.

2. Applicant was regularised as DPA w.e.f.

10.11.89 and joined Planning Commission. Consequent upon redesignation of EDP posts w.e.f. 11.9.89, they are redesignated as Data Entry Operators (hereinafter referred to as 'DEOs') in the scale of Rs.1350-2200.

3. Apex Court in C.M. Dadwa and others Vs. Union of India & others JT 1998 (6) SC 602 held the redesignation was wholly arbitrary and incumbents were declared DPAs Grade III in the scale of Rs.1600-2660 as per IV Pay Commission report w.e.f. 1.1.86. The aforesaid decision of Apex Court was extended in the case of D.K. Sinha (supra) who were identically placed. CWP 4473/2002 filed against the order was dismissed by the High Court of Delhi. <sup>h</sup>Consequent upon the judgment was implemented on 23.8.2002.

4. Being similarly circumstances, applicant represented and in response vide letter dated 20.2.2003, it has been informed that the matter was under active consideration as nothing has been heard thereafter. Hence, the present OA.

5. Learned counsel for applicant relying upon the Constitutional Bench decision of the Apex Court in K.C.Sharma and others Vs. Union of India and others (1998 SCC <sup>h</sup>(L&S 226) contended that being similarly <sup>h</sup>circumstances and identically situated, <sup>h</sup>they cannot be deprived of the benefit of judgment which flows from the implementation of the directions issued by the Apex Court in Dadwa's case (supra).

10

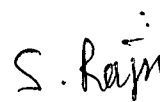
6. On the other hand learned counsel for respondents Shri R.N. Singh vehemently opposed the contentions but does not dispute the fact of decision of the Tribunal being affirmed by the High Court.

7. Having regard to the rival contentions, as we are satisfied that the applicant's case, on all fours, is covered by the decision of the Apex Court followed by the Tribunal in **D.K. Sinha's** case (supra), applicant cannot be deprived of the benefit of pay scale and refixation. As a model employer, once the judgment is in rem, it should be suo-moto extended to all similarly placed by the respondents. This avoids multiplicity of litigation and public exchequer as well.

8. In the result, for the forgoing reasons, OA is allowed. Respondents are directed to confer upon the applicant benefits accorded to the similarly placed in pursuance of Tribunal's order dated 11.2.2002 with all consequential benefits within a period of two months. No costs.



(Sarweshwar Jha)  
Member (A)



(Shanker Raju)  
Member (J)

cc.