

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. NO.1963/2003  
O.A. NO. 2484/2003  
O.A. NO. 2486/2003

NEW DELHI THIS THE 16TH DAY OF FEBRUARY 2004

HON'BLE SHRI SHANKER RAJU, MEMBER (J)  
HON'BLE SHRI S.A. SINGH, MEMBER (A)

O.A. 1963/2003

1. Sh. S.C.Saini  
Son of Shri Jai Kishan  
Employee Code No.A057273
2. Sh. Promola Wadhwa  
W/o of Sh. Prem Nath  
Employee code No. A056867
3. Smt. Laxmi Gupta  
W/O Sh. A.K.Gupta  
Employee code No. A056797
4. Sh. J.K.Paliwal  
Son of Sh. B.L.Paliwal  
Employee code No.. A057088
5. Smt. Devki Devi.  
W/O Sh. Bahadur Singh  
Employee code No. A057020
6. Smt. Chander Prabha  
W/O Tilak Raj  
Employee code No. A056768
7. Smt. Poonam Vaid  
W/O Sh. Pradeep Vaid  
Employee code No. A056784
8. Smt. Mamta Rani Sharma  
W/O Sh. Arun Sharma  
Employee code No. A056966
9. Smt. R.B.Gupta  
W/O Sh. Hari Kishan  
Employee code No. A056911

*SP/RV*

10. Smt. Tara Nirmal  
W/O late Sh.D.P.Nirwal  
Employee code No. A056883
11. Sh. K.S.Pathania  
son of Sh. O.S.Pathania  
Employee code No. A057174
12. Smt. Nirmal Kurana  
W/O Sh. S.K.Kurana  
Employee code No. A058654
13. Smt. Krishna Gandhi  
W/O Sh. O.P.Gandhi  
Employee code No. A056982
14. Smt. Sudershan Sharma  
W/O Sh. J.M.Sharma  
Employee code No. A056979
15. Smt. S.V.Bhople  
W/O Late Sh. V.D.Bhople  
Employee code No. A056908
16. Smt. Jaswinder Kaur  
W/O Sh. Amarjeet Singh  
Employee code No. A056809
17. Smt. Sushma Sodhi  
W/O Sh. Anil Sodhi  
Employee code No. A057062
18. Smt. P.R.Pathak  
W/O Sh. O.P.Pathak  
Employee code No. A056937
19. Smt. Asha Rani  
W/O Sh. R.K.Teji  
Employee code No. A056825
20. Smt. Veena Kandhari  
W/O Sh. Shatish Kandhari  
Employee code No. A056670

21. Smt. Joginder Kaur  
W/O Mahinder Singh  
Employee code No. A056528
22. Ms. Varsha Chopra  
D/O Sh. O.N.Chopra  
Employee code No. A056726
23. Smt. A.K.Walia  
W/O Sh. Surjeet Singh  
Employee code No. A056700
24. Sh. Mahinder Singh  
Son of Late Sh. Risal Singh  
Employee code No. A056359
25. Smt. Maya Mirchandani  
W/O Sh. Hari Mirchandani  
Employee code No. A056656
26. Smt. Prem Lata Sharma  
W/O Lata Sh. S.C.Sharma  
Employee code No. A056627
27. Smt. V.Meshram  
W/O Sh. P.P.Mesram  
Employee code No. A056669
28. Smt. Chanchal Walia  
W/O K.D.Walia  
Employee code No. A056544
29. Smt. Kamla Rani  
W/O Sh. Mukhtiar Singh  
Employee code No. A056531
30. Smt. Shashi Jain  
W/O Sh. Rajiv Jain  
Employee code No. A050849
31. Sh. A.K.Srivastava  
son of Late Sh. R.P.Srivastava  
Employee code No. A158211



32. Sh. R.K. Sharma  
Son of Sh. Neter Pal Sharma  
Employee code No. A050609

33. Sh. R.N. Sharma  
Son of Late Sh. Rengai Ram  
Employee code No. A050571

All C/O  
Joint Secretary (Training) & C A O ,  
Ministry of Defence,  
C-II, Hutmants,  
New Delhi

(By: Shri P.K. Sharma, Advocate)

Applicants

Versus

Union of India  
Through

1. Secretary  
Department of Expenditure  
Ministry of Finance,  
North Block, New Delhi

2. Secretary  
Ministry of Defence,  
New Delhi

3. Joint Secretary (Training) & C A O ,  
Ministry of Defence,  
C-II, Hutmants,  
New Delhi

Respondents

(By: Shri M.M. Sudan, Advocate)

OA 2484/2003

1. Sh. I.S. Vats  
Son of Late Shri Shiv Narayan  
Employee Code No. A 057299
2. Sh. R.C. Jain  
S/o of Late Sh. Suraj Mal Jain  
Employee code No. A057215
3. Sh. R.C. Upreti  
W/O Late Sh. G P Upreti  
Employee code No. A029038
4. Sh. Husan Lal  
Son of Late Sh. Bakshi Ram  
Employee code No. A056445
5. Sh. Satya Prakash  
Son of Shri Shanker Dass  
Employee Code No. A056362
6. Sh. S K Gupta  
S/O Sh. Sita Ram Nagaria  
Employee code No. A050782

All C/O  
Joint Secretary (Training) & C A O ,  
Ministry of Defence,  
C-II, Hutmants,  
New Delhi

Applicants

(By: Shri P.K. Sharma, Advocate)

V e r s u s

Union of India  
Through

1. Secretary  
Department of Expenditure  
Ministry of Finance,  
North Block, New Delhi
2. Secretary  
Ministry of Defence,  
New Delhi
3. Joint Secretary (Training) & C A O ,  
Ministry of Defence,  
C-II, Hutmants,  
New Delhi

Respondents

(By: Shri M.M. Sukan, Advocate)

1. Sh. R K Gupta  
S/o of Sh. Ganesh Prasad
2. Sh. K F Bazi  
Son of Shri F D Bazi
3. Sh. Anil Kumar  
W/O Late Sh. Lalita Prasad
4. Sh. M L Chugh  
Son of Late Sh. P D Chugh
5. Sh. D JayaChandran  
Son of Late Shri T Duraisamy
6. Sh. R C Suryan  
S/O Late Sh. Ilam Singh
7. Sh. K Yogananda Pillai  
S/O Shri K A Ramachandra Pillai
8. Sh. P A V Ranjan  
S/O Late Sh. N Pounnurangam
9. Sh. D C Kukreti  
S/O Late Shri Jaya Nand
10. Sh. M S Yadav  
S/O Shri Loknath Yadav
11. Sh. P K Paul  
S/O Late Shri P C Paul
12. Sh. Om Prakash  
S/O Shri Mathura Prasad

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13. Sh. H O Rastogi  
S/O Shri Ram avatar Rastogi
14. Sh. J V Rao  
S/O Shri J D Rao
15. Sh. Siddartha Bhattachary  
S/O Late Shri P B Bhattacharya
16. Sh. J P Mahato  
S/O Shri P C Mahato
17. Sh. Rajeev Sharma  
Son of Shri P L Sharma
18. Sh. N M Kulkarni  
Son of Late Shri M Kulkarni
19. Sh. G R Saddy  
S/O Late Shri H L Saddy
20. Sh. D D Verma  
Son of Late Shri C R Verma
21. M K Moorty  
Son of Late Shri S V Mahadeva Iyer
22. Smt. A Parvathy  
W/O Shri P S V Pathi
23. Sh. B S Rana  
Son of Late Shri G S Rana
24. Sh. S P Bansal  
Son of Shri T C Bansal
25. Sh. Dev Prakash  
Son of Shri Bihari Lal
26. Sh. Supriya Basu  
Son of Shri Ramendra Prasad Basu
27. Sh. R S Khari  
Son of Shri D R Khari

28. Sh. A K Sharma  
Son of Shri S R Sharma

29. Smt. Kamla  
W/O Shri Padam Chand

30. Sh. D K Sharma  
son of Late Shri Badri Singh

31. Sh. Vijay  
Son of Shri Har kishan Das

32. Smt. Talwinder Kaur  
D/O Balbir Singh

All C/O  
Joint Secretary (Training) & C A O/ C A O-P2 ,  
Ministry of Defence,  
C-II, Hutmants,  
New Delhi

Applicants

(By: Shri P. K. Sharma, Advocate)

V e r s u s

Union of India  
Through

1. Secretary  
Department of Expenditure  
Ministry of Finance,  
North Block, New Delhi

2. Secretary  
Ministry of Defence,  
New Delhi

3. Joint Secretary (Training) & C A O/ CAO-P2 ,  
Ministry of Defence,  
C-II, Hutmants,  
New Delhi

Respondents

(By Shri M. M. Sudan, Advocate)

O R D E R (ORAL)

BY: HON'BLE SHRI SHANKER RAJU: MEMBER (J)

These three DAs are disposed by this common order  
as are grounded on one same set of facts and law.

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2. Applicants in OA 1963/2003 are employed as Technical Clerk (LD) & (UD) (applicants 1 to 29) and Applicant 30 to 33 as Technical Assistant and are re-designated as Data Entry Operators Grade A, B & C, Data Processing Assistant and Jr. Programmer/Programmer in the Ministry of Defence.

3. Consequent upon recommendations of the 4th Central Pay Commission (CPC) , Dr. Sheshagiri Committee examined the matters and recommended to the Govt of India the revised pay structure. The Ministry of Finance vide their orders dated 8.1.89 and 20.1.95 revised the pay scales w.e.f. 11.9.1989 which were later revised by other Ministries (Respondents 1 and 3) also from 1.1.86 as per orders in OA 351/99 filed by Rajender Kumar Pareek & Others Vs Union of India & Another and OA 2639/1999 in the case of Baby Lal & Others Vs Union of India and ors. by an order dated 31.7.2000 answered the reference by granting benefit of OM dated 11.9.89 to the similarly circumstance employees with effect from 1.1.86 with all consequential benefits.

4. Applicants impugns letter dated 18.6.2003 where request for grant of benefits w.e.f. 1.1.86 was turned down.

5. Similarly in OA No.2484/ 2003 (filed by I S . . . Vats & Others Vs UOI & Ors) order passed on 30.7.2003 where extension of benefit had been restricted to the applicants in OA 351/1999 and denying the benefit to the applicants has been assailed.

6. In OA 2486/2003(filed by R K Gupta & 31 Ors. Vs UOI & Ors.) letter dated 30.7.2003 denying the benefits to them has been assailed.

7. On perusal of the rival contention of the parties we are satisfied that the applicants are identically situated and similarly circumstance with those applicants in OA 351/1999. The aforesaid decision as well as decision of the full bench (supra) which is binding on us in all these four covers the case. As such they are entitled for revised scale w.e.f. 1.1.86 with all consequential benefits.

8. Learned counsel for respondents' vehemently contested the OAs and stated that Department of Expenditure has rejected the plea of the applicants.

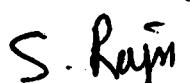
9. A constitutional bench decision of the apex court in K.C.Sharma & Ors Vs. UOI & Ors (1987(3) AIC 1720) has ruled that similar benefits cannot be denied to the identical situated persons. We are also of the view that if the judgement is in rem the same should be implemented in respect of those who are equally situated. This curtails multiple litigation and brings uniformity in Government action negating violation of Article 14 and 16 of Constitution of India.

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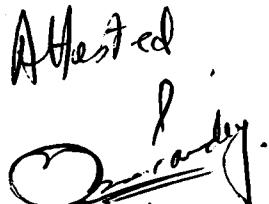
9. In the result the above three OAs are allowed. Impugned orders are quashed. Respondents are directed to re-fix the EDP pay scale in respect of applicants w.e.f. 1.1.86 with all consequential benefits. The directions should be complied with within a period of three months from the date of receipt of this order. These orders to be kept in each file.



(S.A. Singh)  
Member (A)



S. Raju  
(Shanker Raju)  
Member (J)

2.  
Patwal/

Affested  
A. H. Patwal  
27/2/04