

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

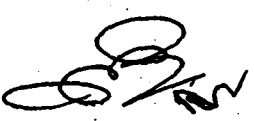
HON'BLE SHRI SHANKER RAJU, MEMBER (J)
HON'BLE SHRI S.A. SINGH, MEMBER (A)

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
Empl yee code No. A056911

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. Sudarshan 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. A056870

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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. A056556
 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.Meshram
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, Hutments,
New Delhi

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

Applicants

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, Hutments,
New Delhi

Respondents

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

OA 2484/2003

-5-

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,
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New Delhi

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

Respondents

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

OA 2486/2003

- 6 -

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. Lalta Prasad
4. Sh. M L Chugh
Son of Late Sh. P D Chugh
5. Sh. D Jaya Chandran
Son of Late Shri T Duraisamy
6. Sh. R C Suryan
S/O Late Sh. Iiam 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

- 7 -

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, Hutments,
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, Hutments,
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 OAs 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 Babu 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.

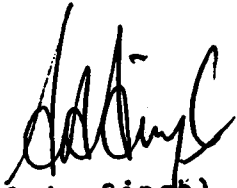
7. On perusal of the rival contention of the parties we are satisfied that the applicants are identically situated and similarly circumstance with those applicants in OA 351/1999. The aforesaid decision as well as decision of the full bench (supra) which is binding on us in all these four covers the 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) ATC 1740) 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.

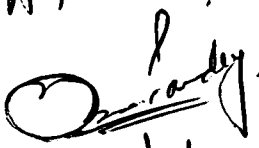
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9. In the result the above three OAs are allowed. Impugned orders are quashed. Respondents are directed to re-fix the EDP pay scale in respect of applicants w.e.f. 1.1.86 with all consequential benefits. The directions should be complied with within 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)


(Shanker Raju)
Member (J)

Patwal/

Attested

27/2/04