

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CALCUTTA

O.A. 995 of 2007

Date of order: 14.12.2007

Present : Hon'ble Mr. K.V. Sachidanandan, Vice-Chairman.
Hon'ble Mr. P.K. Chatterj, Administrative Member.

Shri Amit Barua and Ors.

- Versus -

Union of India and Ors.
(A.I.R.)



For the applicants : Mr. A. Chakraborty, counsel.

For the respondents : Mrs R. Basu, counsel.

O R D E R(Oral)

Per Mr. K.V. Sachidanandan, VC

This O.A. has been filed by the three applicants who are working as Technicians being aggrieved by non-consideration of the representation for grant of pay scale of Rs. 4500-7000/-.

2. The grievance of the applicants is that the aforesaid higher pay scale has not been granted to them while his juniors have already been given the said higher pay scale of Rs. 4500-7000/-. The applicants made representation separately to the Director General, All India Radio on 19.6.2006, but to no effect. Hence they have filed this O.A. seeking the following relief:-

"g.

- a) An order do issue directing the respondents to fix the pay of the applicants in the scale of pay of Rs.4500-7000/- as a Technician w.e.f. the date of their joining and to grant all the consequential benefits."

2. Heard Id. counsel Mr. Chakraborty appearing for the applicants and Id. counsel, Ms. Basu, appearing for the respondents.

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3. When the matter came up for hearing Id. counsel for the applicants has submitted that in a similar case in the same department, the Principal Bench of this Tribunal in O.A. 1742 of 2004 (Lalit Kumar Power Vs. Union of India and Ors.) issued a direction to the respondents to re-examine the claim of applicants of that OA for grant of higher pay scale of Rs.6500-10,500/- as Engineer Assistants taking into consideration the Apex Court judgment in D.S. Nakara's case. According to the applicants, this judgment is also applicable in the present O.A.

4. The Id. counsel for the respondents has submitted that the direction passed by the Principal Bench and the judgment by the Apex Court relied therein, the issue related to different pay scales. The present applicants claim higher pay scale of Rs. 4500-7000/- in the instant O.A. Therefore, the judgement of the Principal Bench is not applicable.

5. However, in the interest of justice, we are of the view that the matter requires consideration by the Administration.

6. Therefore, we direct the respondents or any other competent authority to consider the representation of the applicants vide Annexure-A/1 collectively and pass appropriate order within three months from the date receipt of the order. If the judgment of the Apex Court in Nakara's case is applicable that also may be considered.

7. In the circumstances, the O.A. is disposed of. To avoid further delay the applicants are directed to forward a copy of the O.A. along with the representation annexing all relevant documents to the concerned authority forthwith. No costs.

Sd/-
Member (A)

Sd/-
Vice-Chairman



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 Submitted to the Bench
 14/11/08
 107
 14/11/08
 14/11/08

(a) Sl No of the Appia..... 130
 (b) Name of the applicant..... A. K. Chatterjee
 (c) Dt. of presentation of application for copy..... 14.12.07
 (d) No. of pages..... ?
 (e) Copying fee charged/ urgent or ordinary.....
 (f) Dt. of presentation of copy..... 14/12/07
 (g) Dt. of delivery of the copy to the applicant..... 14.1.08