

(2020) 07 CAT CK 0036

In the Central Administrative Tribunal

Case No : Original Application No. 100, 940 Of 2020, Miscellaneous Application
No. 100, 1161 Of 2020

Shashi Kumar Duggal & Others

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 27-07-2020

Acts Referred:

Citation : (2020) 07 CAT CK 0036

Hon'ble Judges : R.N. Singh, Member (J); Aradhana Johri, Member (A)

Bench : Division Bench

Advocate : Padma Kr. S, Dr. Ch. Shamsuddin Khan

Final Decision : Disposed Of

Judgement

R.N. Singh, Member (J)

M.A No. 1161/2020

1. Heard Ld. Counsels for the parties.
2. By way of their present M.A, the applicants, 42 in number, have sought permission to file the aforesaid O.A jointly. Learned counsel for the applicants submits that the applicants have similar grievance in the O.A.
3. Issue notice.
4. Dr. Ch. Shamsuddin Khan, learned counsel for respondents appears on advance service and accepts notice.
5. For the reasons explained in the present M.A and no objection from the learned counsel for the respondents, M.A No. 1161/2020 for joining together is allowed.

O.A No. 2864/2019

By way of the present O.A, the applicants have prayed for the following reliefs:-

"(a) to declare the action of the respondents in not granting the Grade Pay of Rs. 5400 to applicants on completion of 4 years of service in Grade Pay of Rs. 4800 as illegal and unjustified.

(b) to direct the respondents to grant Grade Pay of Rs. 5400 in PB-2 from the date of completion of 4 years of service in Grade Pay of Rs. 4800 (pre revised Rs.7500-12000) with consequential benefits of such placement in the Grade Pay of Rs.5400/- in PB-2 from the date of completion of 4 years, with all arrears of pay with interest thereon without any further delay.

(c) pass any further orders as this Hon'ble Tribunal may deemed fit and proper in the facts and circumstances of the case."

2. Learned counsel for the applicants submits that one M. Subramaniam who was identically placed as the present applicants, approached the Madras Bench of this Tribunal for similar relief by way of O.A No. 167/2009 which was dismissed by the Tribunal and aggrieved by such dismissal, he approached the Hon'ble High Court of judicature of Madras in W.P. 13225/2010 and Hon'ble High Court has allowed the Writ Petition vide order/judgement dated 19.10.2010 (Annexure A-\$), the operative portion of which reads as under:-

"9. Accordingly, the Writ Petition is allowed setting aside the order of the Tribunal, dated 19.4.2010 passed in O.A. No. 167 of 2009. The respondents are directed to extend the benefit of grade pay of Rs. 5400/- to the petitioner from 1.1.2003 as per the resolution dated 29.8.2010. No costs."

3. The said order/judgement dated 19.10.2010 of Hon'ble High Court was further challenged by the respondents before the Hon'ble Apex Court in Civil Appeal No. 8883/2011, which was dismissed by the Hon'ble Apex Court vide order/judgement dated 10.10.2017 (Annexure-A-4) and the Review Petition (Civil) No. 2512 of 2018 was also dismissed by the Hon'ble Apex Court vide order/judgement dated 23.08.2018 (Annexure-A-5).

4. Learned counsel for applicants submits that the applicants have made individual representations and Annexure -A-1 is the representation of applicant no.1 and other applicants have also submitted their representations as per the details mentioned at page 33 of the OA, before the respondents for extending the benefits of the judgement of Hon'ble High Court in Mr. Subramaniam (supra). However, the same are still pending. The learned counsel for applicants further submits that the respondents are extending the benefits of judgement of M. Subramaniam (supra) only to such similar persons who approach the Tribunal/Tribunals or Court/Courts and not at their own, therefore, the present O.A.

5. Issue notice. Dr. Khan, learned counsel for the respondents accepts notice.

6. Learned counsel for applicants further submits that in identical facts and circumstances, this tribunal has disposed of O.A 415/2019 vide order dated 05.02.2019 (Annexure A-7). The operative portion of the order reads as under:

"4. It is submitted that the applicants are identically placed like the applicants in W.P.No.13225/2010 dated 06.09.2010 in M. Subramaniam vs. Union of India & Ors. of the Hon'ble High Court of Madras, which was upheld by the Hon'ble Apex Court in Civil Appeal No.8883/2011 dated 10.10.2017 and also the applicants in O.A. No.1982/2018 dated 29.05.2018 in Rajneesh Gupta & Ors. vs. Union of India & Ors. of the Principal Bench of this Tribunal and though the applicants made Annexure A-7 (Colly.) representations seeking extension of the same benefit to them also, the respondents have not passed any orders thereon till date.

5. In the circumstances, the O.A. is disposed of at the admission stage itself, without going into the merits of the case, by directing the respondents to consider the Annexure A-7 (Colly.) representations of the applicants and to pass appropriate reasoned and speaking orders thereon, in accordance with law, within a period of 90 days from the date of receipt of a certified copy of this order. No order as to costs. Let a copy of the O.A. be enclosed to this order."

7. Learned counsel for the applicants submits that the applicants shall be satisfied if the present O.A is disposed of at this stage itself with direction to the respondents to consider the applicants' representations and to dispose of the same in a time bound manner.

8. We are of the considered view that if such request of the applicants is accepted, no prejudice is likely to be caused to the respondents as the respondents while considering the representations will have occasion to deal with the issue on merit.

9. In view of the facts and circumstances, without going into the merits of the case, the present O.A is disposed of at the admission stage itself, by directing the Respondent No. 3 to consider the aforesaid pending representations of the applicants and to pass a reasoned and speaking order thereon, in accordance with law, within a period of 90 days from the date of receipt of certified copy of this order. No costs.