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HARI SHAMRAO HIMJE AND ORS.

v.

UNION OF INDIA AND ORS.

DECEMBER 9, 1996

B

[K. RAMASWAMY AND G.T. NANAVATI, JJ.]

C

*Service Law—Appellants promoted from Data Processing Assistants to Data Processing Supervisors—Placed in Data Processing Assistants Grade 'A' in entry grade—They claimed that they should have been fitted into the Data Processing Assistants Grade 'B' i.e. in promotional grade—Government directed consideration of matter—At the request of Government matter adjourned by Supreme Court with direction to take action as per earlier order of Supreme Court—No progress made or steps taken by Government—In such circumstance Supreme Court declined to extend further time—Direction issued to Government to fit the appellants in Grade 'B' of Data processing Assistant.*

D

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 16741 of 1996.

E

From the Judgment and Order dated 7.3.95 of the Central Administrative Tribunal, Bombay in O.A. No. 755 of 1990.

Pramod K. Sharma and Ashok K. Mahajan for the Appellants.

R. Venugopal Reddy, Ms. C.K. Sucharita and C.V.S. Rao for the Respondents.

F

The following Order of the Court was delivered :

Leave granted

We have heard learned counsel on both sides.

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This appeal by special leave arises from the order of the Central Administrative Tribunal, Bombay Bench dated 7.3.1995 made in OA No. 755/90. It is not necessary to narrate all the facts in this case. Suffice it to state that by order of this Court dated August 12, 1996, this Court directed the appellants to produce their orders of promotion from Data Processing

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Assistants to Data Processing Supervisors and also their scales of pay.

Pursuant thereto, the records have been produced which establish that the appellants were promoted from Data Processing Assistants to Data Processing Supervisors. In their re-designation and classification of the posts as per the then policy, they were put in Data Processing Assistants Grade 'A' in the scale of pay Rs. 1600-2600 which is an entry grade. The appellants claim that having been promoted as Supervisors from the Data Processing Assistants, putting them into Grade 'A' would be unjust and they should have been fitted into the Data Processing Assistants Grade 'B' which is a promotional grade in the scale of pay of Rs. 2000-3300. Since the appellants have placed a letter dated May 15, 1996 passed by the Ministry of Planning and Programme Implementation whereunder the Government itself had directed to reconsider the matter in view of their directions dated July 2, 1990, by the above proceedings, at the request of the learned counsel appearing for the respondents, we adjourned the matters and directed the respondents to take action as per our order dated September 2, 1996 to take necessary steps and directed to post the matter after three months. Today when the matter has come up, no affidavit of the officer concerned had been filed showing what steps were taken in that behalf from the date of the order till date. Mr. R. Venugopal Reddy, learned senior counsel appearing for the respondents, sought for further three months' time stating that they have to consult the Law Department and the Finance Department. In view of the fact that the respondents have not shown any progress made or the steps taken, we decline to extend time. We are left with no option but to allow the appeal. The order of the Tribunal is set aside. The OA is ordered. The respondents are directed to fit them in Grade 'B' Data Processing Assistant in the pay scale of Rs. 2000-3300 with all consequential benefits.

The appeal is allowed but with no order as to costs.

T.N.A.

Appeal allowed.