

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6239 OF 2015

TIFR Sabhasad Sanghatana, a trade union, Navy
Nagar, Mumbai ...Petitioner

Versus

Union Of India Through The Principal Secretary,
Ministry Of Atomic Energy, New Delhi And Ors. ...Respondents

Mr. Ramesh Ramamurthy a/w. Saikumar Ramamurthy, Kavita Anchan and Seema Sorte and Karthik Pillai i/b. Sachin Pawar, for Petitioner.

Ms. Anjali Helekar a/w. Ashok R. Verma, for Respondent – Union of India.

**CORAM : NITIN JAMDAR &
M.M. SATHAYE, JJ.**

DATE : 6 MARCH 2024

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P.C.:

. Heard learned counsel for the parties.

2. This petition is filed by the staff association whose members-employees are working with the Respondent No.2- Tata Institute of Fundamental Research. The Petitioner has sought a prayer that the Respondent i.e. Union of India should treat Assistants working in the administration department of Respondent- Institute on par with Assistants working with Department of Atomic Energy and give them benefit of revised pay scales. According to the Petitioner, there

is a short fall of pay scale and since the entire pay scale will have to be revised, the prayer would be in respect of administrative and ministerial staff of the Institute. Learned counsel for the Petitioner states that the representation was made to the Department of Atomic Energy. However, the response is received on 28 January 2013 referring to an order passed by the Court in respect of Assistants/Assistant Accountants in Department of Atomic Energy that the same has been upgraded based on the order of the Court and specific to that category alone.

3. We have perused the order that is referred to in the impugned response. It is an order passed by the Central Administrative Tribunal confirmed by this Court and Hon'ble Supreme Court. In these proceedings, the issue was of parity between pay scale of Assistants and the Assistant Accountants in the Department of Atomic Energy and the Court held that these two posts are at par and appropriate parity in pay be extended. However, this is not relevant as far as the Petitioner's representation is concerned because in Petitioner's representation, issue would be whether the administrative and ministerial staff in the Respondent- Institution are on par with Department of Atomic Energy. Unless a specific decision thereupon is stated, the matter cannot be forward.

4. Learned counsel for the Petitioner states that the representation was made thfrough Respondent Nos. 1 and 2 sometime in the year 2012 and the Petitioner will file a

representation setting out the necessary details through proper channel before the Union of India. Upon such representation is made i.e. seeking parity with the Administrative and Ministerial staff, the Department of Atomic Energy, an appropriate decision/order be passed on the said representation.

5. Though, we do not intend to set a time limit for disposal of the representation, we expect that the same would be taken at the earliest by the concerned authority.

6. Writ petition is disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)