

13.03.2025
(D/L-5)
Ct. No.4
(B.K.N.)

W.P.C.T. 111 of 2024
With
CAN 1 of 2024

Union of India & Ors.
Vs.
Somnath Ray & Ors.

Ms. Amrita Pandey,
Ms. Sneha Singh

...for the Petitioners

Mr. Biswaroop Bhattacharya,
Mr. Chandrachur Chatterjee

...for the Respondents

1. The applicants approached the Tribunal being aggrieved by a fixation of their pay scale. While they were serving in the scale of Rs. 4,500/- to Rs. 7,000/- their pay was fixed on account of 5th CPC recommendations in the scale of Rs. 6,500/- to Rs. 10,500/-. They have been placed in the scale of Rs. 6,500/- to Rs. 10,500/- which according to them is by resorting to a wrong fixation of pay treating them to have merged in the scale in which their pay has been fixed; whereas they were entitled to upgradation.
2. The Tribunal has directed the authorities to consider their claim. For facilitating such consideration the Tribunal has set aside the memorandum dated 3rd October, 2018 whereby the appeal filed by the petitioners claiming such fixation was rejected.

3. The learned counsel for the Union of India submits that the Tribunal has given specific directions that the pay is to be fixed in terms of decision of Ernakulam Bench of the Central Administrative Tribunal in O.A. 569 of 2014.
4. It is the case of the petitioners that the said judgment is not applicable to the claim of the applicant. Such claim is denied and disputed by the applicants/respondents who are appearing in the present proceedings as respondents. Since the issue whether the judgment applies to the petitioners' claim or not is an issue which is yet to be considered by the authorities, we leave it open to the authorities to consider the claim of the applicants in terms of the order passed by the Tribunal on 11th May, 2023 in O.A. 1408 of 2019 and M.A. 815 of 2019 in accordance with law.
5. The writ petition is disposed of.
6. Application being CAN 1 of 2024 also stands disposed of.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)