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**Lissy Jose Vs. Union of India**

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**SooperKanoon Citation** : sooperkanoon.com/698341

**Court** : Delhi

**Decided On :** Mar-03-2000

**Reported in** : 2000(56)DRJ305

**Judge** : K.Ramamoorthy, J.

**Acts** : Constitution of India - Article 226

**Appeal No.** : CW.No. 3242 of 1996

**Appellant** : Lissy Jose

**Respondent** : Union of India

**Advocate for Def.** : Mr. V.P. Sharma, Adv.

**Advocate for Pet/Ap.** : Mr.Wills Methews, Adv

**Judgement** :
ORDER

**K. Ramamoorthy, J.**

1. The Petitioners have prayed for the following reliefs:-

'It is, thereforee, most respectfully prayed that your Lordship may be graciously be pleased to pass an appropriate writ, order or direction including a writ in the nature of mandamus quashing the O.M. No. F-744/IC/90 dated 11th December, 1990 of

the Government of India, Ministry of Finance (Department of Expenditure) and direct the respondent to implement the orders of the Govern ment of India, Ministry of Personnel Public Grievances and Pen-sions Vide OM No. 2.1.90 OS IV dated 31st July, 1990 with respect to the revision of the pay scale of Stenographer Grade 'C' and Assistant, in the pay scale of Rs.1400-2600 to Rs.1640-2900 with retrospective effect from 1.1.1986.'

2. The case of the petitioners is that on the 31st of July, 1990, the Government of India, Ministry of Personnel, Public Grievance and Pensions, had refused the pay scale of stenographers 'Grade C' and Assistants from pay scale of Rs.1400-2600 to the scale of Rs.1640-2900 w.e.f. 1.1.86. The benefits of those provisions in the order dated 31.7.1990 were not given to the petitioners who are working in the second respondent institute.

3. On the 18th of July, 1994, the petitioners sent a representation to the second respondent. There was no response to that representation. Ultimately, the writ petition No.1408/96 was filed in this court.

4. On the 12th of April, 1996, this court passed the following order in CWP.1408/96:-

'The petitioner has sent number of representations to the respondent and the last representation which he has sent was on 20.2.1996. The grievance of the petitioner is that his representation sent to the Secretary, Ministry of Welfare, Shastri Bhawan, New Delhi shall be disposed of as expeditiously as possible and in any event within two months from today. I order accordingy.'

5. On the 7th of June, 1996, the Government of India disposed of the representation by passing the following order:-

'In pursuance of the Order dated 12th April, 1996 of the Hon'ble High Court on the Writ Petition No. 1408/96 to dispose of the representation of Smt. Lissy Jose & 5 others. Smt. Lissy Jose is hereby informed that the Ministry of Welfare has conveyed that in the light of the O.M.No.F-744/IC/90 dated 11th December, 1990 of the Government of India, Ministry of Finance (Department of Expenditure) the

instructions contained in the O.M. No. 2/1/90 CS - IV dated 31st July, 1990 cannot be applicable to the Assistants/Stenographers Grade 'C' of the autonomous bodies. As such her request for revision of pay scale from Rs. 1400-2600 to Rs.1640-2900 cannot be considered.'

This is challenged in the writ petition.

6. This point was considered by this Court in number of writ petitions. In CWP.3790/95 titled as 'B.C.Pant & Others v. Sangeet Natak Akademi & Others' vide judgment dated 16.10.1998, I had dealt with the point and the same point also had been taken in CW.786/81 titled as 'Shri Jagmohan Sharma & Others v. National Institute of Public Cooperation and Child Development & Another'. The point is governed by the judgment of this Court. thereforee, this writ petition is also allowed.

7. The respondents are directed to revise the scale of pay of the petitioners and the persons similarly situated like the petitioners w.e.f. .1.1986. The arrears payable to the petitioners and the persons similarly situated shall be credited to their provident fund accounts. With reference to the future payment of scale of pay, the same shall be paid to the petitioners and the persons similarly situated like the petitioners with effect from 1st of June, 2000.

There shall be no order as to costs.

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