

Central Administrative Tribunal
Principal Bench, New Delhi

O.A.No.2111/2002
M.A.No.1718/2002

Hon'ble Shri S.A.T.Rizvi, Member(A)
Hon'ble Shri Shanker Raju, Member(J)

Friday, this the 9th day of August, 2002

1. Shri Sunder Lal Saini
s/o Shri Baru Singh Saini
r/o H.No.805/1 Azad Nagar
Roorkee, Distt. Haridwar
Uttaranchal.
2. Shri N.K.Sharma
s/o Shri Madan Mohan Sharma
r/o H.No.P-126, MES Colony
A/F Station Maharajpur
Gwalior (MP).
3. Shri Devi Dayal Agarwal
s/o late Shri C.P.Agarwal
r/o H.No.P-148/2, MES Colony
A/F Station Maharajpur
Gwalior (MP).
4. Shri Madan Lal Grover
s/o Late Shri S.D.Grover
r/o H.No.3/269, Bishwas Khand
Gomati Nagar
Lucknow (UP).
5. Shri K.K.Garg
s/o Shri Bant Ram Garg
r/o H.No.134/1, R.A.Bazar
Topkhana, Meerut Cantt.
Meerut (UP).
6. Shri Om Prakash Bansal
s/o late Shri Phuman Mal
r/o H.No.146, CTC Lines
Near GE Office
Morari Cantt.
Gwalior (MP) - 474006.
7. Shri Ashok Kumar Bhardwaj
s/o late Shri Kishan Lal
r/o H.No.12, Dune Enclave
Simla Road
Dehradun.
8. Shri Chiranjit Lal Mahajan
s/o Late Shri Mulkh Raj Mahajan
r/o H.No.45/4, Talwar Line
Dehradun Catt.

(By Advocate: Shri R.N.Singh)

vs.

1. Union of India
Ministry of Defence
South Block
New Delhi - 110 011.
(Through: The Secretary).

2. The Engineer-in-Chief
Army Headquarters
Kashmir House
New Delhi - 110 011. ... Respondents

O R D E R (Oral)

By Mr. Shanker Raju, M(J):

Heard the learned counsel.

2. MA 1718/2002 for joining together is allowed.

3. Applicants, who are working as J.E. E/M, have sought extension of benefit of Judgement in OA No.214/HR/98 (Karnail Singh Jandu & Ors. v. Union of India & Anr.) regarding grant of higher pay scale of Rs.1640-2900 w.e.f. 1.1.1986 and Rs.2000-3500 w.e.f. 1.1.1991 with all the consequential benefits by counting their past services as well as in BCB/BSL.

4. Applicants were initially appointed as Sectional Officers under the Beas Sutlej Link Project/Beas Construction Board (BSL/BCB) and were declared surplus w.e.f. 1.12.1984 and were re-deployed in MES. A Scheme was introduced by the Ministry of Urban Development, for grant of two higher scales, i.e., 1640-2900 w.e.f. 1.1.1986 and Rs.2000-3500 w.e.f. 1.1.1991 above the scale of Rs.1400-2300 for the Junior Engineers who had rendered 5 years and 15 years of service respectively.

5. Applicants were re-designated as Junior Engineers (E/M) and in view of this they are entitled for the benefit of these scales. The respondents, while extending the benefit have reckoned their

services from the date of re-deployment and they had not taken into consideration the service rendered earlier in BSL/BCB.

6. In an identical case and in similar circumstance, Junior Engineers, who had been absorbed from the BSL/BCB, filed OA 214/HR/98 before the Chandigarh Bench of this Tribunal, by an order dated 21.11.2000 directions have been issued to reckon their service in BCB and the pay scales have been accorded accordingly.

7. Applicants, immediately, referring to the decision in OA 214/HR/98 supra, raised their demands by way of a legal notice on 15.3.2002 which is still to be responded by the respondents.

8. We have carefully considered the ~~mixed~~^(u) contentions of Shri R.N.Singh. From the perusal of the facts brought on record, it transpires that the applicants are identically situated with those of applicants in OA 214/HR/98 supra and in view of the decision of the Constitutional Bench of Apex Court in Shri K.C.Sharma and Others v. Union of India and Others, 1998 SCC (L&S) 226, the benefit of judgment cannot be denied to similarly situated.

9. In this view of the matter, ends of justice would be met, if the present OA is disposed of at the admission stage itself, without issuing notices to the respondents, with a direction to the respondents to consider the request of the applicants for accord of benefit of pay scales supra on the basis

-4-

(6)

of counting of their earlier service as contained in their notice of demand bypassing a detailed and speaking order. If on examination, the applicants are found similarly circumstance with those of OA 214/HR/98, they are entitled for counting of their earlier service rendered in BSL/BCB, and they shall be accorded pay and allowances due to them in accordance with rules. The entire exercise shall be completed within three months from the date of receipt of a copy of this order. We order accordingly. No costs.

S. Raju
(Shanker Raju)
Member (J)

S.A.T.Rizvi
(S.A.T.Rizvi)
Member (A)

Shankar Raju
/rao/