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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

RA NO. 26/2004 IN
MA NO. 93/2004
MA NO. 94/2004
OA NO. 2587/2002

This the 13th day of August, 2004

HON'BLE MR. JUSTICE V.S.AGGARWAL, CHAIRMAN
HON'BLE MR. S.K.NAIK, MEMBER (A)

1. Union of India
through its Secretary,
Ministry of Agriculture,
Department of Animal Husbandry
and Dairying,
Krishi Bhawan, New Delhi.
2. The General Manager,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi.

(By Advocate: Sh. S.M.Arif)

Versus

1. Sh. R.C.Bajpayee,
son of Sh. D.D.Bajpayee,
R/o G.S.D./68-C, Janakpuri,
New Delhi-110058.
2. Sh. Hari Singh,
son of Sh. Ram Dayal,
R/o WZ-51, Block G,
School Road, Uttam Nagar,
New Delhi-110059.
3. Sh. Y.R.Singh,
Section Manager,
D.M.S., West Patel Nagar,
New Delhi-110008.

(By Advocate: Sh. J.Buther for respondents No.1&2)

O R D E R (ORAL)

By Mr. Justice V.S.Aggarwal, Chairman

OA-2587/2002 was disposed of on 19.5.2003. The
operative part of the same reads:-

"12. Consequently, we quash the impugned
orders, allowed the application and
hold:-

(a) that the applicants are entitled to the
second financial upgradation on

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- completion of 24 years of service subject to the conditions of the ACP Scheme;
- (b) that the claim of the applicants cannot be rejected because they cannot be allowed to be discriminated; and
- (c) that the claim of the applicants should be considered in the light of the findings arrived at above for grant of the scale of Rs.10,000-15,200/-. The decision in this regard should be taken within a period of three months from the date of receipt of a copy of this order."

2. During the course of submission, learned counsel for respondents had tried to draw our attention to the fact that the persons mentioned in the orders are not drawing the pay scale as has been mentioned in the operative part of the order.

3. As we perused the order passed by this Tribunal referred to above. It is clear that it was held that applicants did not fulfil the requisite qualification for the scale which they were claiming, but keeping in view that certain persons who are junior to the applicants were stated to have been given the benefit of second financial upgradation, the above said order was passed.

4. The respondents pleaded that the said scale of Rs.10,000-15200/- has not been given to those persons. The order passed by this Tribunal only indicates that the claim of the applicants has to be considered in the light of the findings that had been arrived at. The said order has yet not

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been passed. Therefore, question of review as to what scale should be accorded does not arise. Petition may read observation in this way.

Dasti order.

S.K. Naik

(S.K. NAIK)
MEMBER (A)

V.S. Aggarwal

(V.S. AGGARWAL)
Chairman

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