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Central Administrative Tribunal, Principal Bench

Original Application No.988 of 2002

M.A.No.793/2002

New Delhi, this the 12th day of April, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. S.A.T. Rizvi, Member(A)

1. Shri K.K. Sharma
S/o Shri O.C. Sharma
R/o A-69, Jai Shiv Apartments,
C-2, West Enclave, Pitam Pura,
Delhi-34
2. Shri Banta Singh
S/o Shri Jaini Ram
R/o Village & P.O. Kablana
District Jhajjar, Haryana
3. Shri S.K. Sharma
S/o Shri R.K. Sharma
R/o D-156, Gali No.70
Arya Samaj Road
Uttam Nagar, Delhi
4. Shri K.C. Gupta
S/o Shri R.L. Gupta,
R/o III-F/725, Vaishali
Ghaziabad (U.P.).
5. Shri H.J. Singh
S/o Shri Joginder Singh
R/o 2/11, M.C.D. Flat,
South Extension, Part-II
New Delhi-49
6. Shri V.P. Sharma
S/o Shri O.P. Sharma
R/o E-150, New Vijay Nagar
Sector-9, Ghaziabad (U.P.)
7. Shri Rajesh Kumar
S/o late Shri Kabool Singh
R/o F-652, Dakshin Puri
Delhi
8. Gopal
S/o late Shri Bahu Lal
R/o 21/473, Trilok Puri
Delhi-92

- Applicants

(By Advocate: Shri S.K. Gupta)

Versus

1. Govt. of NCT of Delhi
Through Chief Secretary
Delhi Secretariat
I.P. Estate, New Delhi-2
 2. Principal Secretary (Home)
Delhi Secretariat
I.P. Estate, New Delhi-2
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3. Pr. Secretary(Finance)
Delhi Secretariat
I.P.Estate, New Delhi-2

4. Chief Fire Officer
Delhi Fire Service Headquarters
Connaught Circus
New Delhi-1

5. Assistant Commissioner(Fire)
Delhi Fire Service
Fire Headquarters,
Connaught Circus
New Delhi-1

6. Shri L.K.Sharma
Jt. Secretary
Delhi Secretariat
I.P.Estate, New Delhi-2

- Respondents

O R D E R (ORAL)

By Hon'ble Mr.S.A.T.Rizvi, Member(A)

M.A.No.793/2002 for joining together in a single O.A., is allowed.

2. This is the second round of litigation in the same case. Earlier all the 8 applicants herein, had approached this Tribunal by filing OA No.3239/2001 seeking a direction to the respondents to place each one of them in the higher pay scale of Rs.1320-2040 applicable to Radio Operators. The aforesaid OA was disposed of on 4.12.2001 with a direction to the respondents to consider the representations/legal notices filed by the applicants and pass a reasoned and a speaking order thereon. In pursuance of the aforesaid order, the respondents have passed a detailed order (Annexure A-10) on 8.2.2002 by which they have deferred a decision in the matter on the ground that the same was pending before the High court.

2/ 3. The learned counsel appearing on behalf of the

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applicants submits that while disposing of the aforesaid OA No.3239/2001, the Tribunal had relied on the judgement earlier rendered by this very Tribunal in OA No.983/95 by which the OA was allowed with a direction to the respondents to grant the higher scale of pay to the applicants and the same has been implemented by the respondents. For this reason, according to him, no ground is available to the respondents for denying the benefit of the higher scale to the applicants in the present OA.

4. Learned counsel for the applicants also submits that when the judgement rendered by this Tribunal in OA No.983/95 ~~rendered~~² on 6.10.99 was taken to the High Court, no stay was granted by that ~~High~~² Court. As a matter of fact, the application for stay was rejected by the High Court. While refusing to stay the aforesaid judgement, the High Court observed as under:


"However, it is made clear that payment which is disbursed in terms of the order of the Tribunal shall be subject to the out-come of the writ petition."

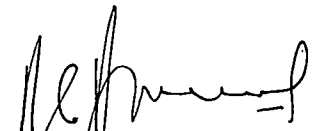
5. The learned counsel has drawn our attention to the orders passed by this Tribunal in OA No.419/2000 by which higher pay-scale has been granted to the applicant in that OA even when a writ petition was pending before the High Court and no stay had been granted. He submits that on this basis, the respondents could go ahead and grant higher scale of pay to the applicants and make payments to them subject to the decision of the High Court in the pending writ petition. *dr*

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6. We have considered the submissions made by the learned counsel and have also perused the impugned order passed by the respondents. We are inclined to take the view that in view of the observations made above, the respondent no.4 should consider the matter further and pass a further order in the matter expeditiously and within a period of two months from the date of receipt of a copy of this order. At the time of passing orders as above, respondent no.4 will treat the present OA as a further representation made on behalf of the applicants. We direct accordingly.

O.A. stands disposed of in the aforesaid terms.


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


(Ashok Agarwal)
Chairman

/dkm/