

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

MA/310/00030/2020 (in)(&) RA/310/0001/2020 in OA/310/00109/2014

Dated the 19th day of February Two Thousand Twenty

P R E S E N T

**Hon'ble Mr.P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)**

1. K.Ravikumar
No.24/14, Cholambedu Road,
Thirumullaivoyal,
Chennai 600 062.
2. G.Suresh,
No.68/F/4, O.D.Civilian Quarters,
I.A.F. Post, Avadi,
Chennai 600 055. .. Applicant/Applicant

By Advocate **M/s.D.Prabhu Mukunth Arunkumar**

Vs.

1. The Union of India, rep by
Secretary to the Govt. of India,
M/o Defence,
South Block, DHQ Post,
New Delhi 110011.
2. The Director General of Ordnance Services,
Master General of Ordnance Branch,
“A”-Wing, 2nd Floor, Sena Bhawan,
Integrated Head Quarters of Ministry of Defence (Army),
DHQ PO, New Delhi 110 011.
3. The Officer-in-Charge,
AOC-RECORDS, Tirumulghery Post,
Secunderabad, AP-15.
4. The Controller of Defence Accounts
No.506, Anna Salai, Teynampet,
Chennai 600 018.

5. The Commandant,
Ordnance Depot Avadi,
IAF Post, Avadi,
Chennai 600 055.

.. Respondents/Respondents

By Advocate **K.Rajendran**

ORDER (By Circulation)
(Pronounced by Hon'ble Mr.P.Madhavan, Member(J))

MA 30/2020 filed to condone the delay of 90 days in filing RA is allowed.

2. This is a Review Application filed by the applicants in OA 109/2018 seeking review of the order passed by this Tribunal in the above said OA dated 25.4.2019 which was disposed off with directions to the respondents.
3. The above OA was filed by the applicants seeking the grant of pre-revised pay scale Rs.3200-4900 from the date of their initial appointment as Telephone Operator Grade II w.e.f. 01.1.96 and also to grant upgradation on completion of 16 years and 26 years of service with consequential benefits.
4. The applicants mainly relied on the decision rendered in ***Balraj Singh & Others vs. Union of India & Others [O.A.No.45 – HR – 2002 dt. 13.9.2002], Yoginder Kumar & Others vs. Union of India & Others [O.A.No.322 of 2003 dt. 11.09.2003], Swaran Kaur & Others vs. Union of India & Others [O.A.No.675 – PB – 2005 dt. 31.8.2006].***
5. This Tribunal, after going through the submissions and pleadings made had found that the applicants were also similarly placed and they are also entitled to get the benefit and passed an order as follows:-

“4.....Accordingly, we hereby order the respondents to grant the relief of pre-revised pay scale of Rs. 3200-4900 for Grade II Telephone Operators and Rs.5000-8000 to Grade-I Telephone Operators and Rs.5500-9000 to the applicants notionally and they are entitled to get the fixation accordingly. It is made clear that the applicants will be entitled to claim arrears of pay only from 21.1.14 on which date this OA was filed.....”

6. Now, the RA applicants want to review the effective date for arrears. According to the applicants, they were giving representations and agitating the claim from 2006 onwards. According to them, the Hon'ble Apex Court in ***Sri Narayan Yashwant Gore v. UOI & Others [C.A.No.2896/89 dt. 26.4.1995]*** held that “*similarly placed individuals should be extended the benefits as has been given to person who approached the Court*”.

7. So, according to the applicants, the Tribunal has committed an error apparent on the face of record by restricting the claim from the date of OA.

8. We have perused the submissions made in the RA. The general rule as regards monetary benefits is to extend the benefits from the date of filing the OA and accordingly this Tribunal granted the re-fixation of pay notionally retrospectively and restricted the arrears from the date on which OA was filed. The applicants had approached the Tribunal only when they found their counter parts had succeeded in the OAs filed in 2002, 2003, 2005 etc. Eventhough they had given representations for getting the same and had also obtained orders for consideration of their representations expeditiously, there was no occasion to go into the merits of the OA. In fact, the OA in this case happened to be filed on 21.1.14 and the matter was heard from both sides and orders were passed only on 25.4.2019. The Tribunal had ordered the arrears to be paid from 2014 onwards. Hence, we find that there is no error

apparent on the face of record to invite a review of order dt. 25.4.19.

9. Hence RA lacks merit and it is will stand dismissed.

(T.Jacob)
Member(A)

19.02.2020

(P.Madhavan)
Member(J)

/G/