

Central Administrative Tribunal, Principal Bench

Original Application No.1110 of 2001

New Delhi, this the 27th day of January, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman  
Hon'ble Mr. Shankar Prasad, Member (A)Smt. Bhagwanti  
W/o Shri Jaman Dass,  
Retired Tailor,  
Ordnance Factory,  
Shakur Basti, Delhi

....Applicant

(By Advocate: Mrs. Meenu Mainee)

Versus

1. Union of India  
Through: The Secretary  
Ministry of Defence,  
Army Headquarters,  
New Delhi2. The Officer Commanding,  
Ordnance Depot,  
Shakurbasti, Delhi

....Respondents

(By Advocate: Mrs. Promila Safaya)

O R D E R (ORAL)By Justice V.S. Aggarwal, Chairman

The applicant is working as tailor in the Ministry of Defence.

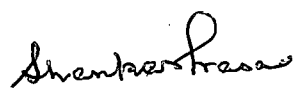
2. It is not in dispute that in large number of decisions passed by this Tribunal, the relief claimed by the applicants for higher pay scale, was awarded. Reference is made to the decision of the Guwahati Bench of this Tribunal in the case of Nripendra Mohan Paul & ors. vs. Union of India & ors. (O.A.158/94) decided on 19.10.95. The special leave petition against the said judgement had been dismissed by the Supreme Court on 11.7.96 in SLP No.13856/96. A similar relief had been granted to one Om Prakash, who was similarly situated, in

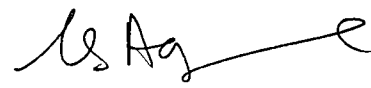


O.A.556/2001 decided on 19.2.2002.

3. This was not in controversy. Learned counsel for the respondents however contended that applicant cannot be granted the arrears for the past years.

4. The application in question had been filed on 30.4.2001. Keeping in view this fact, we dispose of the present application with a direction to the respondents to re-fix the pay of the applicant notionally in the revised pay scale of 3050-4590 as has been done in the case of similarly situated persons. However, she would be entitled to arrears which would be confined to 38 months before filing of the petition, keeping in view the law of limitation. Since the applicant has retired, the revised pension should also be re-drawn. O.A. is disposed of.

  
( Shankar Prasad )  
Member (A)

  
( V.S. Aggarwal )  
Chairman

/dkm/