

(4)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.2303/2001

New Delhi, this the 20th day of September, 2001

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. M.P. SINGH, MEMBER (A)

1. Naval Hydrographic Office Workers Union
107 A, Rajpur Road,
Dehradun, represented through
Shri Jagdish Chandra Kukreti, President of
the Union
2. Shri Chandra Shekar Sharma,
S/o Late Shri Darshan Lal Sharma,
63, B-III, Shanti Vihar Colony,
Govindagarh, Dehradun.
3. Shri Harbans Lal,
S/o Shri Amar Singh,
Village & Post Office Tunwala,
Dehradun.

... Applicants

(By Advocate: Shri K.B.S. Rajan)

V E R S U S

1. The Union of India through
The Secretary,
Ministry of Defence,
South Block, New Delhi-110011.
2. The Chief Hydrographer
to the Government of India
Directorate of Hydrography
Room No.50, A Block Hutments
Dalhousie House,
New Delhi-110011.
3. The Jt. Controller of Defence Accounts (Navy)
No.1, Cooperage Road,
Mumbai-39.

... Respondents


(By Advocate: Shri A.K. Bhardwaj)

ORDER (ORAL)

Justice Ashok Agarwal :

The claim made by the applicants, in the present
OA, is reflected in an order dated 6.9.2001 which reads
as under:-

"By an order of the Naval Hydrographic
Office (in short 'NHO'), Dehradun of
21.11.1995 at Annexure A-8, the pay scales
of Draftsman i.e. Rs.425-700 (pre-revised)
was revised to the pay-scale of Rs.550-750.



By a later order passed on 17.6.1998 at Annexure A-2, aforesaid pay scale which has been granted, has been withdrawn and overpayment has been directed to be recovered. By an order passed on 10.7.2000 at Annexure A-1, recoveries have been directed from February, 2000 onwards with a stipulation that the matter regarding admissibility of the revised pay scales to Draftsman of NHO, Dehradun is being examined by the Ministry of Defence in consultation with the NHQ, Controller General of Defence Accounts with reference to Director of Audit (Defence Services), Air Force, Dehradun. Hence recoveries are being made even before the matter is finalised.

In view of the aforesaid grievance raised, we direct notices to issue. List on 20.9.2001.

Pending further orders, respondents are restrained from making recoveries of overpayments as directed by orders of 17.6.1998 at Annexure A-2 and 10.7.2000 at Annexure A-1.

In support of their claim for impugning the reduction in pay scale, reliance is placed on the case of Union of India & Ors. vs. Debashish Kar & Ors. (C.A.No.1433 of 1995) which provides that qualifications being equal, higher pay scale at par with CPWD Draftsmen is available from 1.11.82 onwards in accordance with OM dated 13.3.84 and where such qualification comparison does not exist, on completion of stipulated number of years of service, as contained in OM dated 19.10.94, the higher pay scale would be made available to the Draftsmen. According to the applicants, they fall in the later category of Draftsmen in the CPWD, they have completed stipulated number of years of service as provided in OM dated 19.10.94.

In view of the aforesaid contention, we direct that pending further orders, respondents will continue paying the applicants their revised pay scales as awarded by the order of 21.11.95 at Annexure A-8."

The learned counsel for the respondents has brought to our notice minutes of the meeting held on 11.7.2001 to discuss the applicability of the MOD Order dated 3.7.1984/15.9.1995 to the Draftsman category of NHO



Dehradun under NHQ. Vide para 7 of the aforesaid minutes of the meeting, this is what has been provided:-

"7. After hearing the views of all concerned, Secy(Def/Fin) observed that it is quite clear from para 6 of MOD's Order dt. 15-9-95 that these orders were not applicable in the case of Draughtsmen of NHO. However, in case more or new facts are brought out by the HO, Dehradun, the case could again be taken up with the Ministry of Finance for reconsideration by them. It was finally decided that:-

(i) Recovery will not be made at this stage pending finalisation of the case and requirement of undertaking will not be insisted upon.

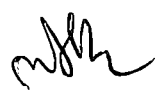
(ii) The affected employees will be paid in the pre-revised pay scales; and

(iii) NHQ/DOD will put up the case again with more facts for taking up the matter with MOF.

2. In our view, having regard to the aforesaid decision arrived at in the aforesaid meeting of 11.7.2001, we find, that it would be in fitness of things that a decision on the issue arising in the present case is ^{taken} ~~decided~~ by the Ministry of Defence in consultation with the Ministry of Finance and the same is communicated to Applicant No.1 expeditiously and within a period of four months from the date of receipt of a copy of this order.

3. Pending decision and the service of the same on Applicant No.1, ad interim order passed on 6.9.2001 will ^{and} ~~continue~~ for a period of one month after the decision.

4. The present OA is disposed of in the aforesaid terms. No order as to costs.


(M.P. SINGH)
MEMBER(A)


(ASHOK AGARWAL)
CHAIRMAN

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