

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

ON NO.556/2001

New Delhi, this day the 19th February, 2002

HON'BLE MRS. LAKSHMI SWAMINATHAN, VICE CHAIRMAN (J)
HON'BLE MR. GOVINDAN S. TAMPI, MEMBER (A)

1. Om Prakash
S/o Shri Chiranjit Lal

2. Ram Kishore
S/o Shri Buta Ram
(Both retired Tailors from Ordnance Depot,
Shakurbasti, Delhi) ... Applicants
(By Advocate : Ms. Meenu Maine)

Versus

1. Union of India
through Ministry of Defence
Army Headquarters,
New Delhi

2. The Officer Commanding,
Ordnance Depot,
Shakurbasti,
Delhi ... Respondents
(By Advocate : Shri S.K. Gupta)

O R D E R (ORAL)

By Hon'ble Mrs. Lakshmi Swaminathan, Vice Chairman (J):

In this application, the applicants are aggrieved that the respondents have not granted the pay scale of Rs.950-1500 revised to Rs.3050-4590 w.e.f. 1.1.1986 following the judgement of the Tribunal (Guwahati Bench) in O.A. No.158 of 1994 decided on 19.10.1995 and other judgements of the Tribunal, including the Principal Bench in OA No.1326/1999 which has been decided on 6.9.2000.

2. Ms. Meenu Maine, learned counsel, submits that the aforesaid judgements of the Tribunal, some of which have also been taken to the respective High Courts, have

been implemented after the Writ Petitions ~~as~~ filed by the UOI have been dismissed by the High Courts. We note that in OA No. 1326/1999, the Tribunal (Principal Bench), had vide order dated 6.9.2000, following the aforesaid judgement of the Guwahati Bench of the Tribunal in OA No. 158/1994 and other judgements mentioned therein, allowed the application by stating that the benefits should be extended to the applicants in that case as given to the applicants in OA No. 158/1994. In the judgement of the Tribunal (Guwahati Bench) it has been held that the applicants were to be brought in the skilled category so as to make them eligible for skilled grade which involves upgradation. Accordingly, the respondents were directed to take necessary steps to comply with the formality so as to extend the benefit of upgradation to the applicants in the post and pay the arrears of pay and allowances to the applicants in that OA.

3. The applicants have stated that they have joined as Tailors in the year 1964 and have retired on 31.7.1999 and 31.1.1999. This OA has been filed on 2.3.2001. Their main claims pertain to ~~certain~~ ¹⁸ benefits of upgradation and revision of pay as Tailors in terms of the aforesaid judgements of the Tribunal, including the judgement of the Guwahati Bench in OA No.158/1994 which was disposed of on 19.10.1995. This judgement has also been followed by other judgements of the Tribunal (order dated 6.9.2000 passed by the Principal Bench of the Tribunal in O.A. No. 1326/1999).

✓8

4. As seen from the relevant documents and submissions of the learned counsel for the applicants, the benefit of upgradation of pay scale as skilled category has been given by the respondents in the case of other similarly situated persons like the applicants, who are also Tailors. In the circumstances, we see no reason why similar upgradation should not be allowed to the applicants in the present case. The applicants should also be given the upgradation in the pay scale as given to the other similarly situated persons. However, taking into account the judgement of the Hon'ble Supreme Court in the case of M.R. Gupta vs Union of India (1995 (5) SCALE 29) ~~and~~ the fact that the applicants have filed the present OA only on 2.3.2001 cannot be ignored with regard to the claim of arrears of the due amount.

5. In the facts and circumstances of the case, the O.A. is allowed with a direction to the respondents to refix the pay of the applicants notionally in the revised pay scale, as has been given to other similarly situated persons w.e.f. 1.1.1986. As the applicants have retired from service in 1999, they shall be entitled to revision of pensionary benefits on refixation of their pay on notional basis and be paid arrears of difference of pension from one year prior to the date of filing of the O.A. Necessary action to pay the revised pension amounts shall be taken by the respondents within three months from the date of receipt of a copy of this order.

No order as to costs.

(GOVINDAN S. TAMPI)
MEMBER (A)


(MRS. LAKSHMI SWAMINATHAN)
VICE CHAIRMAN (J)

/pkr/