

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 627/2001

New Delhi this the 18th day of February, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri Govindan S.Tampi, Member (A)

1. Shri Chhote Lal, MES No. 3 53378
Aged 59 years
S/o Shri Makhan Lal
R/o 4 No. Poultry Farm
T 8/2, Delhi Cantt.
2. Shri Dhumi Chand, MES No. 361754
Aged about 58 years
S/o Shri Jaggi Ram
R/o 7318, Kabul Lane
Delhi Cantt- 10
3. Shri Prem Hans, MES No. 367249
aged about 46 years
S/o Shri Dukhnati
R/o 74/2, Gitanjali Park,
Sagarpur,
New Delhi - 46
4. Shri Dukhan Maheto, MES No. 364360
aged about 54 years
S/o Shri Kujar Mahto
R/o T-1 Cor Hill Pump House,
Delhi Cantt - 10
5. Shri Kunwar Bahadur, MES No. 364073
aged about 52 years
S/o Shri Satruhan Singh
R/o Parade Ground Pump House,
Delhi Cantt-10
6. Shri Vishwa Mitter, MES No. 355659
aged about 49 years
S/o Shri Chuni Lal
R/o WZ-884A Sadh Nagar,
Palam Colony, Gali no. 9/3
Delhi - 45

7. Shri Mamchand, MES No. 366379
aged about 49 years
S/o Shri Moji Ram
R/o Shahabad Mohamadpur
New Delhi - 61
8. Shri Rishal Singh, MES No. 369991
aged about 42 years
R/o Vill & P.O. Bhole Hera
Distt. Gurgaon (Haryana)
9. Shri Sukh Pal, MES No. 373472,
aged about 41 years
S/o Shri Mam Chand
R/o H.No.16, Gali no. 2
Nasirpur Gaon
New Delhi - 45
10. Shri Ram Bahadur, MES No. 314085
aged about 40 years
S/o Shri Tharai
R/o B-269, Kutab Vihar, Goyal Dairy,
New Delhi - 71
11. Shri Sri Bhagwan, MES No. 373470
aged about 39 years
S/o Shri Lajje Ram
R/o Vill. Ambarhai
Palam, New Delhi - 45
12. Shri Narinder Singh MES No. 371144
aged about 40 years
S/o Shri Inder Singh,
R/o # No. Poultry Farm
Delhi Cantt-10
13. Shri Mahavir Singh, MES No. T 2542
aged about 38 years
S/o Shri Dal Chand
R/o RZ-6, Hans Park,
West Sagarpur,
New Delhi - 46
14. Shri Babu Lal, MES No. 371279
aged about 37 years
S/o Shri Mangru
R/o T-2, Car Hill Pump House,
Delhi Cantt - 10
15. Shri Vipal Raj, MES No. 371149
aged about 37 years
S/o Shri Ramchander Sharma
R/o H.No.253/6, C.V.D. Line
Sadar Bazar,
Delhi Cantt - 10

16. Shri Ramesh Kumar, MES No. 371480
aged about 37 years
S/o Shri DilSukh Saini
R/o RZ-70-B, Raj Nagar Part II
Gali No. 10
Palam Colony,
New Delhi - 45

17. Shri Partap Singh, MES No. 370828
aged about 36 years
S/o Shri Hardwari Lal
R/o Jhansa, P.C. Jharsa
Distt. Gurgaon (Haryana)

18. Shri Rajinder Singh, MES No. 370643
aged about years
S/o Shri Bhanwari Lal
R/o Vill & P.O. Hans Garh
Distt. Rohtak (Haryana)

19. Shri Subhash Chand, MES No. 369715
aged about 48 years
S/o Shri Mallu Ram
R/o Vill. Islampur
P.O. Fajilpur
Gurgaon (Haryana)

20. Shri Ram Dayal Yadav, MES No. 371146
aged about 41 years
S/o Shri Pacho Yadav
R/o 267, Mahavir Enclave pt. II
Palam Colony,
New Delhi - 45

21. Shri Nay Rattan Singh, MES No. 371146
aged about 42 years,
S/o Shri Parmati Singh
R/o 23/54 C.V.D. Line,
Sadar Bazar,
Delhi Cantt - 10

22. Shri Partap Singh, MES No. 370874
aged about 38 years
S/o Shri Budh Singh
R/o House No. 105, Vill. Jharena,
Delhi Cantt - 10

(By Advocate Sh. Surinder Singh)

... Applicants

... 4/-

VERSUS

Union of India, through

1. The Defence Secretary,
South Block, DHQ, New Delhi-11
2. Engineer-in-Chief,
Army Headquarters, DHQ, New Delhi
3. The G.E.(E/M), Water Supply
Delhi Cantt-10
4. The G.E. (Hospital),
New Delhi.

.. Respondents

(By Advocate Shri R.V.Sinha, learned
counsel through proxy counsel
Shri R.N.Singh)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)

In this application, the applicants have prayed for a direction to the respondents to give them the revised pay scale of Rs.260-400 w.e.f. 16.10.1981 as they have claimed that they are similarly situated as the applicants in IA No.1/97 (Amar Nath and Ors) who had filed Writ Petition before the Hon'ble Jammu and Kashmir High Court which was disposed of by order dated 12.3.1999.

2. Learned counsel for the applicants has submitted that following the aforesaid judgement of the Hon'ble Jammu and Kashmir High Court, the applicants who, according to him, are similarly situated like the applicants in that case, made a representation to the respondents to extend to them similar benefits of pay revision. That has been rejected by the respondents which, according to the learned counsel, is on an

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arbitrary ground because they have stated that "the benefits have been applicable only to those personnel who filed court cases and in whose favour judgements have been received".

3. Against the aforesaid judgement of the J&K High Court, admittedly, the respondents have filed SLP in the Hon'ble Supreme Court (SLP(C)19483/99) in which stay has been granted against the High Court orders of J&K ^{High Court} by their order dated 9.10.2000. This OA has been filed on 12.3.2001 after the Hon'ble Supreme Court had passed the stay order dated 9.10.2000. Shri Surinder Singh, learned counsel for the applicants has submitted that according to his ^{information}, the SLP is likely to be disposed of shortly, although he is unable to give us any date when the same has been listed.

4. The main contention of the respondents as seen from the reply is that the Hon'ble J&K High Court's order dated 12.3.1999 has been stayed by the Hon'ble Supreme Court by order dated 9.10.2000 and, hence, there is no question of implementing the judgement of the Jammu and Kashmir High Court so as to extend those benefits to the applicants. According to him, the judgement of the Jammu and Kashmir High Court was implemented with regard to ^{only} those applicants.

5. We note that the respondents have implemented the Jammu and Kashmir High Court order in the case of Amar Nath and Ors Vs. UOI & Ors, subject to review and recovery on the basis of the SLP filed in the Supreme Court, referred to above.

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6. Noting the above facts and the submissions made by the learned counsel for the parties, the OA is disposed of with the following directions:-

- (i) In case the aforesaid SLP pending before the Supreme Court is allowed, nothing further survives in the OA;
- (ii) In case, the aforesaid SLP is dismissed, the respondents shall consider the case of the applicants, if they are similarly situated as the applicants in IA No.1/1997 (Amar Nath and Ors. Vs. UOI & Ors) and grant them similar benefits. In case the similar benefits are not extended to the applicants, the respondents shall pass a detail, reasoned and speaking order and shall also keep in view the fact that the present application has been filed by the applicants seeking similar benefits.

No order as to costs

(Govindan S. Tampi)
Member (A)

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Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice Chairman (J)