

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

C.P. 309 of 2003 In
Original Application No.71 of 2001

New Delhi, this the 12th day of February, 2004

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)
HON'BLE MR. S.K. NAIK, MEMBER (A)

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Ganga Raj Narasaiah
25 WG AG, SMG No.166/7,
New Delhi-110 038.

..Applicant

By Advocate: Shri M.K. Bhardwaj.

Versus

Union of India and Others

1. Ajay Prasad
Secretary,
Ministry of Defence,
South Block,
New Delhi.

2. A.R. Ghandhi
Air Marshal,
Hqrs Western Air Command,
IAF, Subroto Park,
New Delhi-110 015.

3. Arvind Verma
Commanding Officer,
No.25, Wing, Af,
C/o 56 APO,
New Delhi.

....Respondents

By Advocate: Mrs. P.K. Gupta.

ORDER

Hon'ble Mr. Kuldip Singh, Member (J)

OA No.71 of 2001 was decided on 12.2.2002 with
the following directions:-

"9. In the result the OA succeeds and is allowed to the extent that respondents are directed to consider revising the pay scale of the post of Leading Rigger in IAF w.e.f. 1.1.1996, such that the anomalous situation whereby the post of Rigger Grade-II and that of Leading Rigger are in the same pay scale, i.e., Rs. 3050-4590, is removed. What the appropriate pay scale of the post of Leading Rigger in the IAF should be, is a matter to be determined by respondents, taking into account all the surrounding facts and circumstances. Those directions should be implemented within four months from the date of receipt of a copy of this order. Upon the revision of the pay scale of the post of Leading Rigger in IAF pursuant to these directions, applicant shall be entitled to such consequential benefits as are

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admissible in accordance with rules and instructions and judicial pronouncements. No costs".

2. According to the applicant the respondents were supposed to implement the orders within a period of 4 months from the date of passing of the order. The respondents instead filed a CWP before the Hon'ble High Court which was also dismissed. Thereafter the respondents passed an order dated 8.8.2003 and the respondents found that there is no hierarchical cadre in Air Force so rejected the claim of the applicant for upgradation of the pay scale of Rigger (Leading).

3. The applicant has filed this CP alleging that there was a clear cut direction given by the Tribunal to consider the case of the applicant and to remove the anomalies between the post of Rigger Grade-II and the Leading Rigger and the High Court has also dismissed the Writ Petition still the respondents are interpreting as if they were directed to consider the question of removing the anomalies and pass the order and rejected the case of the applicant.


4. On perusal of the concluding para, as reproduced above, we find that the respondents were directed to consider revising the pay scale and High Court while dismissing the Writ Petition had also held that the Tribunal has merely directed the Union of India to consider revising the pay scale of Leading Rigger. Thus there were no clear directions to upgrade the pay scale of Leading Rigger. The directions were only to consider revising the pay scale of the post of Leading Rigger and now by the order dated 8.8.2003 the

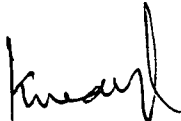
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respondents have passed a reasoned and speaking order thereon so that is why the post cannot be upgraded and they have also compared the same with the similar post in the Navy also, so we find that the respondents have complied with the orders and the CP has, therefore, to be dismissed.

5. In view of the above, CP is dismissed and the notices are discharged. No costs.


(S.K. NAIK)
MEMBER (A)


(KULDIP SINGH)
MEMBER (J)

Rakesh