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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No.2706/1999

New Delhi this the 15th day of May, 2001

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

1. Shri K.P. Ravi, S/O Late K. Pappoo,  
Stenographer Grade III, Chief  
Engineer, Navy Naval Base,  
P.O. Kochi-682004 residing at  
26/1230, Mattammel, Kochi-13
2. M.N. Radhakrishna Pillai  
S/O Late P.K. Narayana Kurup,  
Stenographer Grade III Chief  
Engineer, Navy, Katari Bagh,  
Naval Base, P.O. Kochi-682004  
residing at Morkandathil House,  
Mazhukeer, Kallissery P.O. Chengannur.
3. G. Venugopalakrishnan Nair S/O  
Late A. Govinda Pillai, Stenographer  
Grade III Chief Engineer Navy, Naval  
Base P.O. Kochi-682004 residing at  
Resident of Chandra Vilas, Keezhoor  
P.O. Thalayolaparambu (Via) Kottayam.
4. Uma Sasidharan W/O Sasidharan. C.  
Stenographer Grade III Office of  
Garrison Engineer (Project), Fort  
Kochi-682001 residing at House  
No. 17, G.C.D.A. Colony, Maithri Nagar,  
Vaduthala P.O. Kochi-23
5. Sh. G. Onnnoony S/O Late K.G.  
Verghese, Stenographer Grade-III,  
Office of Commander Works Engineer,  
Katari Bagh, Naval Base, Kochi  
residing at H.No. 29/2531, Kolatheri Road,  
Poonithura P.O. Ernakulam District.
6. M. Mukundan S/O late A. Narayanan  
Namboothiri, Stenographer Grade-III,  
Office of the Garrison Engineer,  
Katari Bagh, Naval Base, Kochi  
residing at H.No. 29/2531, Kolatheri Road,  
Poonithura P.O. Ernakulam District.
7. P. Ali. S/o P.K. Alavi, Stenographer  
Grade III, Office of the Garrison  
Engineer (Project) Research and  
Development Kochi residing at  
Puthenpudiliyil House, Thozhupadam,  
Chelakkara.
8. P.K. Simon S/O Sh. P.C. Kochappan  
Stenographer Grade III O/O the  
Chief Engineer Navy, Naval Base,

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P.O.Kochi-682004 residing at  
Pulikkottil House, P.O.Neemmini via  
Guruvayur.

9. Abraham P.V.S/O Varghese P.A.  
Stenographer Grade III O/O the  
Commander Works Engineer.Kataribagh,  
Navel Base, P.O.Cochin 0682004  
residing at Parasseril House, P.O.  
Karikode, Via Peruva,Kottayam.
10. A.Naveen Chandran S/O Late C.S.  
Ayyappan, Stenographer Grade III  
O/O the Garrison Engineer E/M  
Navel Base, P.O.Kochi-682 004  
residing at H.No.31/2276 Jubilee Road,  
Thammanam, P.O.Cochin-682 032.
11. Thampi.N.S/O Late Shri Nanoo Asan  
Stenographer III O/O the Garrison  
Engineer(Project 1) Navel Base P.O.  
Kochi-682 004 residing at quarter  
No.53/3, Katari Bagh, Kochi.
12. R.Gopinathan Nair S/O SH.K.Raman Nair  
Stenographer Grade III O/O the  
Commander Works Engineers (AP), Thirumaala,  
P.O.Trivandrum-6 residing at Melakottamuk  
Vattavila, Perucave P.O.Trivandrum-73
13. K.Ravindran S/O A.S.Chellappan Pillai  
O/O the Garrison Engineer (AP)  
Thirumala P.O.Trivandrum-6 residing at  
TC-9 "Sisira Bhawan" Thirumala, P.O.  
Trivandrum-6
14. K.V.Muraleedharan Nair S/O Vasudevan Nair,  
Stenographer Grade III O/O the Additional  
Chief Engineer(L), Head Quarter Southern  
Air Command, Akulam, Trivandrum, residing  
at P-543/2, MES Quarters, Pangode,  
Trivandrum.

Applicants

(By Advocate Mrs. Meera Chhibber )

VERSUS

1. Union of India represented by  
Secretary to Government of India,  
Ministry of Defence, New Delhi.
2. The Engineer-in-Chief. Army Head  
Quarters, Defence Head Quarters,  
P.O.New Delhi.
3. The Chief Engineer, Head Quarters,  
Southern Command, Pune-1

Respondents

(By Advocate Shri V.S.R.Krishna )

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O R D E R (ORAL)

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

In this application, the applicants have stated that they are Stenographers Grade-III working under respondent 3. They rely on the judgements of the Tribunal in Shyam Jagannath Vaidya Vs. Union of India and Ors. (OA 729/1992 with connected case P.M. Haridas and Ors Vs. UOI & Ors (OA 1023/1993) which were disposed of by order dated 8.8.1995. Special Leave Petition filed by the respondents against this order has been dismissed by the Supreme Court and subsequently they have stated that the respondents have complied with the Tribunal's order by upgrading 61 applicants to the higher grade from 1.1.1991 and 1.1.1993 or on becoming eligible for promotion as per the Recruitment Rules. The applicants have also relied on another judgement of the Tribunal (Ernakulam Bench) in OA 336/1992 which was disposed of by order dated 23.4.1993. Contempt Petition filed against this order had also been dismissed by the Tribunal's order dated 8.6.1995, leaving it open to the petitioners to pursue any other remedies in accordance with law. Learned counsel for the applicants has, therefore, submitted that this application is not barred by limitation and the same benefits that were given to other similarly situated persons should be given to them also.

2. We have seen the replies filed by the respondents and heard Shri V.S.R. Krishna, learned counsel for the respondents. They have stated in their reply that the Ministry of Defence has upgraded

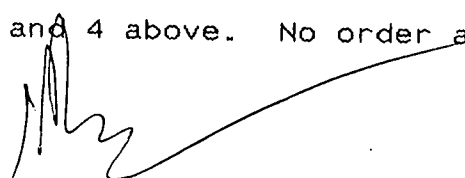
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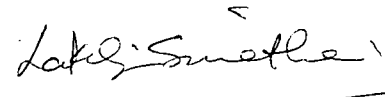
145 posts of Stenographer Grade II, making it a total of 186 posts, of which 69 posts have been allotted to respondent No.3 under whom the applicants are working. They have stated that the applicants would be considered for the upgraded posts depending on their eligibility and other prescribed conditions. Shri V.S.R. Krishna, learned counsel has, however, drawn our attention to Paragraph 5 of the additional affidavit filed by the respondents dated 9.12.1997. In this reply, the respondents have stated that they have rejected the request of some of the Stenographers who had earlier opted for the clerical cadre to come back to their present stream by their letter dated 5.8.1997. They have also stated that the applicants, except applicants 3,4,9 and 10 who were initially clerical optees, are not allowed the benefit of the P.A Cadre. As regards these applicants, they have also submitted that they were not upgraded due to their low seniority.

3. Noting the above facts and submissions made by the respondents themselves in the reply, in the case of applicants 3,4,9 and 10, as they belong to the Stenographers cadre from their initial appointments, in case any one of them is senior to any of the applicants in OA 1023/1993, the respondents shall grant them similar monetary benefits in the upgraded posts of Stenographers. However, having regard to the fact that this OA has been filed only on 21.11.1996, initially in the Ernakulam Bench and then transferred to the Principal Bench of the Tribunal, they shall be entitled to the difference in pay in the upgraded post only from 1.2.1997.

4. With regard to the other applicants in the OA, other than the aforesaid four applicants, their actual status is not clear. We, however, note that the respondents have stated that they had opted initially for the clerical cadre which was accepted and their request for re-induction to the Stenographers cadre has been rejected by letter dated 5.8.1997. This letter has been issued after the OA was filed and it has not been challenged here. Therefore, these other applicants cannot claim the benefits accruing to other staff in a different cadre i.e. the Stenographer's cadre in terms of the respondents OM 23.2.1989.

5. In the facts and circumstances of the case, the OA is disposed of in terms of the Paragraphs 3 and 4 above. No order as to costs.

  
(Govindan S. Tampi)  
Member(A)

  
(Smt. Lakshmi Swaminathan)  
Vice Chairman(J)

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