

Central Administrative Tribunal  
Principal Bench

18

Decided on 26.7.2000

O.A. No. 1306/98 &  
O.A. No. 2301/98.

... Applicants

Sri Chand & Others  
Ram Vir & Others

(By Advocate: Shri T.C. Aggarwal  
Shri C. Harishankar)

versus

... Respondents

U.O.I. & Others

(By Advocate: Shri A.K. Bhardwaj  
Shri Gajendra Giri)

CORAM

Hon'ble Mr. S.R. Adige, Vice Chairman (A)  
Hon'ble Mr. Kuldip Singh, Member (J)

1. To be referred to the Reporter or Not? YES  
2. Whether to be circulated to other outlying  
benches of the Tribunal or not? NO

  
(S.R. ADIGE)  
VICE CHAIRMAN (A)

Central Administrative Tribunal  
Principal Bench

New Delhi, dated this the 26<sup>th</sup> JULY, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE MR. KULDIP SINGH, MEMBER (J)

(19)

O.A. No. 1306 of 1998

S/Shri

1. Sri Chand,  
S/o Shri Ved Ram,  
R/o RZ-37B, Pul Parliadpur,  
Near Railway Line, Gali No.15,  
New Delhi-110044.
2. Mehar Chand,  
S/o Shri Girdhari Lal,  
R/o 55, Church Road,  
Jungpura, Bhogal,  
New Delhi-110014.
3. Mahipal,  
S/o Shri Kudiram,  
R/o Vill. Mirzapur,  
Post Pataudi,  
Dist. Gurgaon. .... Applicants

(By Advocate: Shri T.C. Aggarwal)

Versus

Union of India through

1. the Secretary,  
Ministry of Information & Broadcasting,  
Shastri Bhawan,  
New Delhi-110001.
2. The Chief Engineer,  
Civil Construction Wing,  
Directorate General of A.I.R.,  
Parliament Street,  
New Delhi-110001. .... Respondents

(By Advocate: Shri M.K. Bhardwaj proxy  
counsel for Shri A.K. Bhardwaj)

O.A. No. 2301 of 1998

S/Shri

1. Ram Vir,  
R/o Vill. & P.O. Atali,  
Ballabghar Dist.,  
Faridabad-121004, Haryana.
2. Vimal Kumar,  
House No. M-5, A-4 Dilshad Garden,  
Delhi.

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3. B.M. Raikwad,  
R/o J-115, Bharat Nagar,  
Delhi-110053.
4. Bhondi Lal,  
R/o VIII. Harshavan,  
Hapur Road, Police Line,  
Dist. Ghaziabad,  
U.P.
5. Chander Shekhar,  
A-7/55, Pvt. Colony,  
Srinivaspuri, New Delhi-110065.
6. Mahesh Kumar,  
House No. 435-A/1, Bhola Nath Nagar,  
Dharkhandi Marg,  
Gali No.3, Shahdara,  
Delhi-110032.
7. Harpal Singh,  
D-94, Nathu Colony,  
School Block,  
Shahdara, Delhi-110093.
8. Dilbagh Singh,  
VIII. Liwan,  
Post Rathdhana,  
Dist. Sonepat, Haryana.
9. Sandeep Gaidane,  
R/o 3131, Kucha Tara Chand,  
Daryaganj,  
New Delhi. .... Applicants

(By Advocate: Shri C. Hari Shankar)

Versus

1. Union of India through  
the Secretary,  
Ministry of Information & Broadcasting,  
Shastri Bhawan,  
New Delhi-110001.
2. Director General,  
Directorate General,  
All India Radio (CCW),  
6th Floor, Lok Nayak Bhawan,  
Khan Market, New Delhi.
3. Chief Engineer,  
Directorate General,  
All India Radio (CCW),  
6th Floor, Lok Nayak Bhawan,  
Khan Market,  
New Delhi. .... Respondents

(By Advocate: Shri Gajendra Giri)

*[Signature]*

ORDERMR. S.R. ADIGE, VC (A)

(21)

As both these O.As involve common questions of law and fact they are being disposed of by this common order.

2. Shri Ram Vir Singh and others, who were Ferro Printers in All India Radio (Civil Construction Wing) had filed O.A. No. 2229/96 seeking directions to respondents to grant them the revised scales of pay granted to their counterparts in CPWD. That O.A. was disposed of by order dated 15.10.96 with a direction to respondents that in the event they received a detailed representation from applicants in regard to their grievances within four weeks, respondents were to consider the same and pass a speaking order thereon within four months of its receipt.

3. Pursuant to the above directions, respondents have issued order dated 24.3.98 (Annexure A-1 in O.A. No. 1306/98) revising the pay scale of the applicants in O.A. No. 2229/96 from Rs.2750-4400 to Rs.3200-4900 w.e.f. 10.10.96. In the aforesaid order dated 24.3.98 they have made it clear that the same would be applicable to the applicants in O.A. No. 2229/96 <sup>alone</sup> ~~alone~~.

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(22)

4. The three applicants in O.A. No. 1306/98 have now claimed the aforesaid scale of Rs.3200-4900 inter alia on the ground that they cannot be denied the aforesaid scale when in fact they are senior to Ram Vir Singh & Others (Annexure A-2).

5. On the other hand Ram Vir Singh and Others have filed fresh O.A. No. 2301/98 praying that the date dated 10.10.96 fixed by respondents for grant of the scale of Rs.3200-4900 to them is arbitrary, and they pray that this scale be granted to them from the date it was sanctioned to their counterparts in C.P.W.D. i.e. 1.1.88.

6. We have heard learned counsel for both sides in the two O.As.

7. In so far as O.A. No. 2301/98 is concerned, we note that it is by the Tribunal's order dated 28.7.93 in O.A. No. 74/88 that the concerned authorities were directed to grant Ferro Printers in C.P.W.D. the scale of Rs.975-1540 (subsequently revised to Rs.3200-4900) w.e.f. 1.1.88 against which SLP No. 24339/94 was dismissed by the Hon'ble Supreme Court on 15.3.94, and R.A. No. 1420/94 was also dismissed, on grounds of delay as well as on merits, by order dated 4.4.95.

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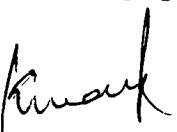
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8. In O.A. No. 74/88 the revised scale was made admissible from 1.1.88 because the O.A. itself was filed on 1.1.88. When Ram Vir Singh & Others filed O.A. No. 2229/96 itself in 1996, they have absolutely no case for claiming antedation of the benefits granted to them vide respondents' order dated 24.3.98 to a date prior to 10.10.96. It is always open to respondents to determine the date from which certain benefits will be granted, ~~to~~ and applicants cannot claim that those benefits should be antedated to a date nearly 8 years prior to the date from which they felt they were being discriminated against. Under the circumstances the ~~prayer~~ contained in O.A. No. 2301/98 for antedating of the benefits contained in respondents' order dated 24.3.98 is rejected.

9. As regards O.A. No. 1306/98 applicants are identically placed as Ram Vir Singh & others, <sup>whom</sup> applicants in O.A. No. 2229/96, and were ~~being~~ granted certain benefits, vide respondents' order dated 24.3.98. Indeed applicants are senior to the applicants in O.A. No. 2229/96 and, therefore, cannot legitimately be denied the benefits <sup>granted by</sup> respondents' order dated 24.3.98.

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10. Under the circumstances, while we dismiss O.A. No. 2301/98, we allow O.A. No. 1306/98 and direct respondents to extend the benefits of their order dated 24.3.98 to the three applicants in O.A. No. 1306/98 in the same manner as it have been granted to the applicants in O.A. No. 2229/96. These directions should be implemented within three months from the date of receipt of a copy of this order. No costs.

  
(Kuldip Singh)  
Member (J)

'gk'

  
(S.R. Adige)  
Vice Chairman (A)