

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 475 of 1995

New Delhi this the 12<sup>th</sup> day of January, 1996

Hon'ble Shri K. Muthukumar,  
Member(A)

Shri Kishori Lal  
S/o Shri Khacheru  
working pump Attendant Operator,  
Ordnance Factory,  
Muradnagar (U.P). ...Applicant.

By Advocate Shri S.S. Tiwari

VERSUS

1. Union of India through  
Secretary,  
Ministry of Defence,  
Government of India,  
New Delhi-110 011.
2. General Manager,  
Ordnance Factory,  
Muradnagar,  
D.istt. Ghaziabad(U.P)...Respondents

By Advocate Shri V.S.R. Krishna

ORDER

Shri K. Muthukumar, M(A) (Oral)

Pleadings are complete in this case and the matter is listed for final disposal today. I have heard the arguments of the learned counsel for the parties and also perused the record. As the issue is relatively simple, the case is disposed of finally as follows.

The facts in this case are that the applicant was a Machinist Grade 'C'. He was removed from service by the disciplinary authority and on appeal, the penalty was modified to that of reversion to the grade of Labour 'B'. The applicant agitated this matter before the Tribunal and the Tribunal by its order dated 19.12.1990 directed that the applicant shall be deemed to be

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reinstated in service with effect from 9.3.76. i.e., when he was removed from service as Machinist Grade 'C' and be paid accordingly. The applicant was accordingly reinstated. In the meanwhile, there was certain restructuring in grade made by the respondents and by the restructuring order, all the Machinist Grade 'C' were placed in Grade 'B' although the scale remained same, i.e., Rs.210-290. Certain applicants went before the Supreme Court challenging the upgradation of certain trades under the respondents and made a plea that they also were entitled to the upgradation. The Apex Court by its order dated 14.10.1992 directed as follows:-

"We therefore, direct the respondents to verify the service records of the employees and grant them the benefit from 16th October, 1981 if they were in position on that date or from a date subsequent thereto if they have entered later by upgrading them from the grade of Rs.210-290 to Rs.260-400 on the basis of the ratio of this Court in Bhagwan Sahai Carpenter and Others Vs. Union of India & Another, AIR 1989 SC 1215 vide paragraph 11 of the judgment. The rule is made absolute accordingly with no order as to costs."

The respondents, in the case of the applicant, issued the impugned order on 24.5.93 refixing the pay of the applicant in the pay scale of Rs.260-400 w.e.f. 16.10.1981. The applicant avers that he stood upgraded/promoted as highly skilled grade-II in the pay scale of Rs.330-480 in terms of Government letters dated 15.10.1984 and 6.4 1986

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During the arguments, however, the learned counsel for the applicant states that there was an error in framing of the relief clause and states that as pointed out in the rejoinder, the grievance of the applicant is that the respondents have not really implemented the impugned order by granting the applicant the pay scale of Rs.260-400 (revised to Rs.950-1500) and fixing that pay accordingly w.e.f. 16.10.1981. The respondents in their counter-reply, have stated that they have implemented the order and the impugned order was accordingly issued and the benefits of the upgradation with effect from 16.10.1981 have been given to the applicant. The learned counsel for the applicant states that he has not been given the benefits of fixation of pay as per the impugned order and he refers to the averments made in the rejoinder in para 4.5 and 4.6 in which he has stated that the applicant was allowed fixation of pay retrospectively from 24.5.93 in the grade of Rs.260-350 (Rs.975-1660) and not Rs.260-400 (Rs.1200-2040) w.e.f. 16.10.1981.

The learned counsel for the respondents, however, states that the matter is beyond doubt and the applicant is entitled to be fixed in the pay scale of Rs.260-400 as per the order dated 24.5.93 and, therefore, this controversy can be resolved by having this matter checked up again.

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The learned counsel for the applicant, during the arguments, has also raised a question about the upgradation of the applicant to the higher skilled grade of Rs.1320-2040 w.e.f. 18.4.90. This, however, is not a matter in dispute here, as the grievance is only with reference to the non-implementation of the order, as contended by the applicant.

In the light of the above, the application is disposed of with a direction to the respondents to clarify to the applicant by a speaking order, the pay that has been allowed to him from time to time w.e.f. 16.10.1981 in the pay scale of Rs.260-400 and amount drawn by him as a result of such re-fixation of pay and the date of the payments, and also the trade in which he was allowed the scale of Rs.260-400 w.e.f. 16.10.1981.

With these directions, the application is finally disposed of without any order as to costs.

If the applicant has any other grievance in regard to any other matter, it is open to him to approach this Tribunal by filing another application.



(K. MUTHUKUMAR)

MEMBER

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