

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 2674/96

New Delhi this 1st the 2nd Day of April 1997.

Hon'ble Dr. Jose P. Verghese, Vice Chairman (J)
Hon'ble Shri S.P. Biswas, Member (A)

Association of Radio & Television
Engineering Employees
Ministry of Information & Broadcasting
HPT : Kingsway
Delhi.

Represented by:

1. Shri P.N. Kohli,
President,
Association of Radio & Television,
Engineering Employees,
Ministry of Information & Broadcasting,
HPT : Kingsway
Delhi
2. Shri M.K. Magazine,
Assistant Engineer,
Doordarshan,
New Delhi.

(By Advocate: Shri B.S. Mainee)
VS

Union of India : Through

1. The Secretary
to the Government of India,
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi.
2. The Director General,
All India Radio,
Parliament Street,
New Delhi.
3. The Director General
Doordarshan
Doordarshan Bhawan,
Copernicus Marg,
New Delhi.
4. The Chief Controller of Accounts
Ministry of Information & Broadcasting
Shastri Bhawan,
New Delhi.

(By Advocate: Shri R.V. Sinha)

O R D E R

Hon'ble Dr. Jose P Verghese, Vice Chairman (J)

The petitioners in this case are seeking implementation of the orders of this Court concurred by the orders of the Hon'ble Supreme Court and the consequential order passed by respondents themselves on 15.5.1995.

2. The Madras Bench of the Central Administrative Tribunal by an order dated 29.6.1990 directed the respondents that the pay of the Engineering Assistants of All India Radio and Doordarshan shall be revised and the Engineering Assistants shall be paid the revised scale of Rs. 550-900 w.e.f. 1.1.1978 and Rs. 2000-3200 w.e.f. 1.1.1986. The respondents aggrieved by the said order filed an SLP in the Hon'ble Supreme Court and the same was dismissed by an order dated 7.1.1991. Thereafter, the Union of India filed a review petition in the Hon'ble Supreme Court and that also was dismissed by the Hon'ble Supreme Court on 16.7.1991 but the persistent Union thereafter filed a review petition vide review petition No. 4/92, before the Madras Bench of the Central Administrative Tribunal seeking a review of the original decision of the Madras Bench dated 29.6.1990 passed in OA No. 654/89. It is pertinent to mention that the grounds mentioned in the said review petition were the same that were taken by the Union of India both in the SLP filed in the Hon'ble Supreme Court against the original order and against the review petition filed in the Hon'ble Supreme Court. Still the Madras Bench of the Central Administrative Tribunal reviewed its previous order dated 29.6.1990 and passed an order on 10.6.1992 stating that

(b)

the operative portion of the judgement dated 29.6.1990 in OA 654/89 is rescinded and the original applications stand dismissed and the review petition allowed. Against this order an SLP was filed in the Hon'ble Supreme Court and the Hon'ble Supreme Court took strong exception to the review order and stated that the Tribunal was in error in entertaining the review petition and then allowing it after the SLP against its main judgement had been dismissed by the Supreme Court and the review petition filed in Supreme Court against the dismissal of the SLP had also been dismissed. The court also noticed that the grounds stated in the review petition were identical as that were taken before in the SLP as well as in the review petition in the Hon'ble Supreme Court. Finally, the Hon'ble Supreme Court restored the original order of the Tribunal dated 29.6.1990 and set aside the review order of the Madras Bench dated 10.6.1992. This order was passed by the Hon'ble Supreme Court on 25.11.1994.

3. The respondents thereafter passed an order on 15.5.1995 purportedly in compliance of the order passed by the Central Administrative Tribunal, Madras Bench in OA 654/89 dated 29.6.1990 as well as the judgement of the Hon'ble Supreme Court in Civil Appeal No. /94 dated 25.11.1994. The said order dated 15.5.1995 reproduced herebelow:

" I am directed to say that in pursuance of the Judgement of the Hon'ble Supreme Court in Civil Appeal Nos...../94 dated 25.11.94 upholding the CAT, Madras

judgement passed on O.A. No. 654/89 dated 29.6.90, the President is pleased to revise the pay scale for the post of Engineering Assistant as follows:

Name of the post	Revised Scale	Effective from
		of Pay (In Rs)
Engineering Assistant	550-900	1.1.1978
-do-	2000-3200	1.1.1986

The Officers who held and are holding above mentioned grades during the respective period are entitled to the benefit of arrears of pay as a result of this revision and refixation with effect from the dates as mentioned in the para (1) above.

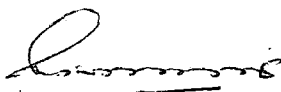
This issues with the concurrence of Integrated Finance Branch of the Ministry vide their U.O.No. 791/95-Fin dated 15.5.1995."


4. In view of the decision of this Court at Madras and the Hon'ble Supreme Court on 25.11.1994 and in view of the order passed by the respondents reproduced herein above, we allow this O.A. and direct the respondents to comply with this order dated 15.5.1995 within four weeks from today. The petitioners who were parties to the previous OA, SLP, Review Application or second SLP, are entitled to 9% interest on all payments due to them with effect from 15.5.1995. In the event respondents do not

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make payment within the period now stipulated in this Order, they shall be liable to pay 18% interest after the expiry of the period now stated in this Order.

5. It goes without saying that these orders shall also be applicable to all similarly placed Engineering Assistants and it will not be necessary for each and everyone of them to approach this Court but it is further clarified that the said Engineering Assistants who were not party before this Court or before the Hon'ble Supreme Court, will not be entitled to any interest till the expiry of the time now directed by us in this Order. Thereafter, they also will be entitled to the payment of interest @ 9% per annum from the expiry of the date as stipulated by us in this Order. With these directions this O.A. is disposed of and no Order as to costs.


(S.P. Biswas)
Member(A)


(Dr. Jose P. Verghese)
Vice Chairman(J)

Mittal