

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No. 725/97

New Delhi, this the 23rd day of May, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)  
Hon'ble Shri K.Muthukumar, Member (A)

1. B.N.Sharma s/o Sh. P.D.Kaushik  
r/o X/624, Sarojini Nagar,  
New Delhi.
2. R.S.Mongia s/o Sh. Lal Chand Mongia,  
r/o 19, Promise Apartment, Vikas Puri,  
New Delhi.
3. J.J.K. Jain  
s/o Shri S.S Lall,  
r/o Sector I/55, RK Puram,  
New Delhi.
4. V.K. Jain s/o Sh. J.P. Jain,  
r/o Sector I/78, RK Puram,  
New Delhi.
5. A.S.Manchanda s/o Sh. K S Manchanda,  
r/o 11/215, Govt. Quarter, Dev Nagar,  
New Delhi.
6. Smt. R.R. Pushkarna,  
w/o Shri Y.R. Pushkarna,  
r/o Sector III/298, Sadiq Nagar,  
New Delhi.
7. Smt. Sharda Pandhi  
w/o Shri S.K. Pandhi,  
r/o B-6/44/1, Safdarjung Enclave,  
New Delhi.
8. Mohinder Singh  
s/o Late Shri Ram Swarup,  
r/o Village & PO Shahabad Mohammadpur,  
New Delhi.
9. K.R. Joshi s/o Shri B.R. Joshi,  
r/o 19, Type III North West Motibagh,  
New Delhi.

(By Advocate: Shri V.K.Rao)

.....Petitioners

-VERSUS-

Union of India through

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

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2. Joint Secretary (Training) &  
Chief Administrative officer,  
Ministry of Defence,  
C-II, Hutments,  
New Delhi. ... Respondents  
(By Shri J.S.Joshi, Deptt. representative)

ORDER(ORAL)  
(Dr. Jose P.Verghese, Vice Chairman(J)

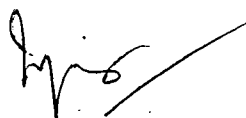
The petitioners in this case are aggrieved by the order of the respondents dated 10.1.1997 by which some juniors of the petitioners have been given the benefit of the new pay scale of Rs. 2375-3500 in place of 1640-2900. Admittedly, all the petitioners are senior to the persons to whom the said benefit of the revised scale has been given.

The defence taken by the respondents is that this order dated 10.1.1997 has been issued in view of two orders of the respondents namely 6.12.1994 and a draft recruitment rules provided for the purpose in December, 1994 vide Annexure A-10 page 57 and following. Prior to this, by an order passed in the year 1991 the pay scale has been revised to scale of Rs. 2375-3500 which has now been revised in view of the change brought about in the recruitment rules made, in December, 1994 by which the present incumbent is required to have the Master Degree as the minimum.

While implementing the said educational qualification with respect to the juniors to the applicant by an order dated 10.1.1997 the respondents have given effect to the said order w.e.f. the year 1989 that is to say the said order has given effect to an year wherein such requirement of the Master Degree was not existing. In view of this, the respondents shall review and reconsider the question of giving the same benefit as given to the juniors to the applicants in accordance with the orders passed in

December, 1994. Once the rules have been applied to the juniors five years retrospectively, the requirement of Master Degree can be insisted only for those new entrants who enter the service after 1994 only. On perusal of the record, it is also found that in terms of December, 1994 order, no provision has been made to apply the same with retrospective effect that is to say, to the pre-1994 cases. Requirement of Masters degree shall be insisted upon those who enter service after 1994, since 1994 Rule cannot be applied retrospectively. The respondents shall also pass appropriate orders after reconsidering the entire case of the applicants in the light of the observations made above within one month from today or at the maximum six weeks from the date of receipt of a copy of this order and pass appropriate orders, communicate the same to the petitioner. In case the petitioners are further aggrieved, it is open for them to approach this court for further reliefs.

With these above directions/observations, this OA alongwith MA is disposed of finally with no order as to costs.

  
(K. Muthukumar)

Member (A)

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