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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA 111/1994

New Delhi, this 8th May of 1995.

Hon'ble Shri Justice A.V. Haridasan, Vice-Chairman(J)
Hon'ble Shri P.T.Thiruvengadam, Member(A)

Smt. Urmil Sharma
133, Sector 12
RK Puram, New Delhi-22

.. Applicant

(By Shri C. Hari Shankar, Advocate)

versus

Union of India, through

1. Secretary
M/Urban Development
Nirman Bhawan, New Delhi

2. Secretary
Department of Expenditure
North Block, New Delhi

.. Respondents

(By Shri N.S. Mehta, Senior counsel)

ORDER(oral)

Handwritten: Shri Justice A.V. Haridasan ~~Shri Justice~~ (v.c.)

The applicant is aggrieved of the rejection by the respondents of her request to grant her the pay scale of Rs.1400-2300 as was given to Shri Lal Chand and Shri Laxman Singh, who were juniors to the applicant in the same organisation, pursuant to the judgement of this Tribunal in OA 608/90. Consequent upon the recommendation from the Board of Arbitration dated 26.6.80, the respondents vide their order dated 13.3.84 revised the scales of Draftsmen Grade I, II & III in various Departments of the Government of India at par with the pay scales of Draftsmen working in the Central Public Works Department (CPWD). The applicant was given the revised pay scale of Rs.425-700 with effect from 1.11.83 by order dated 30.7.84. Subsequently, without giving even a notice, by order dated 27.3.90, the respondents cancelled the order dated 30.7.84 and

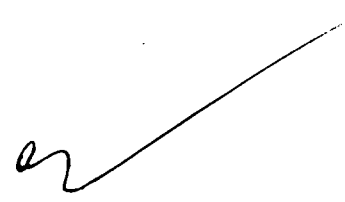
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reverted back to the initial pay scale, which is the revised pay scale of Rs. 1200-2040. The alleged over payment ^{which} resulted from the order dated 30.7.84 was also recovered from the applicant in the light of the order 27.3.90. Shri Lal Chand and Shri Laxman Singh, who were similarly affected, filed OA 608/90 which was disposed of on 10.4.92, quashing the impugned orders therein and directing the department to refund to the applicants the amount, if any, which was recovered due to reduction in the pay scale. The department implemented the judgement in respect of the applicants mentioned therein. When the applicant came to know of it, she made representation to extend to her the benefit of restoring her pay scale and also to pay her the amounts recovered from her. In reply to this, the respondents have conveyed by the impugned Office Memorandum dated 15.11.93 stating that the benefit of the judgement in the case of Shri Lal Chand & Another can not be extended to her since she was not a party to that application and the question of revision of pay scales is now before the National Council of JCM.

2. The respondents contest the application and contend that the applicant who is not a party to OA 608/90 is not entitled to the benefit conferred on the applicants in that OA and the case is now placed before the JCM for consideration and therefore the applicant is not entitled to any relief prayed for.

3. We have heard the learned counsel for the parties and we have also gone through the records with meticulous care.



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4. This Tribunal in OA 608/90 has held that the order dated 27.3.90 is not tenable. As a consequence, the respondents were directed to revise the pay scale of the applicants therein. In another case in OA 15/94 filed by S/Shri Bhagat Singh Bhatia and Anand Prakash Sood, who are working in the same department and in same cadre wherein the applicants approached this Tribunal for extension of the benefit of the judgement in Lal Chand case, this Tribunal has set aside the impugned orders dated 27.3.90 and 15.11.93 and ordered restoration of pay scale of the applicants therein with consequential benefits and also directed the respondents to refund the amount recovered from them.

5. As Shri Lal Chand and others, as mentioned above, belong to the same organisation working in identical post in the same cadre, we are of the considered view that there is no justification in denying the benefit to the applicant in the present OA. Under these circumstances, we are of the considered view that the application is bound to succeed. In the result, the application is allowed and the impugned orders dated 15.11.93 and 27.3.90 are set aside and quashed. The respondents are directed to restore the pay scale of Rs.1400-2300 (Rs.425-700 pre-revised) to the applicant and also to refund to her whatever amount recovered from her pursuant to the order dated 27.3.90, within a period of 3 months from the date of communication of this order. There shall be no order as to costs.

P. T. Thiruvengadam

(P.T. Thiruvengadam)
Member(A)

(A.V. Haridasan)

(A.V. Haridasan)
Vice-Chairman(J)

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