

| Date | Office Report | <div style="text-align: center;">(X)</div> Orders |
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| | 15 ¹¹ / ₉₄ | <p>OA dismissed by a Bench comprising of Hon'ble Mr. N.V. Krishnam, Jc (A) & Hon'ble Mr. C.J. Roy, M (J).</p> <p style="text-align: right;">B.O. Filed CO (Cm)</p> |

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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH (5)

O.A. NO. 535/94

New Delhi this the 15th November, 1994.

Shri N.V. Krishnan, Vice Chairman(A).

Shri C.J. Roy, Member(J).

Shri Gian Singh,
S/o Late Shri Bansi Singh,
R/o T-51/5, Kabul Line,
Delhi Cantt-10. ...Petitioner.
(By Advocate Sh. S.R. Dwivedi)
Versus

1. Union of India through
The Secretary,
Ministry of Defence,
DHQ Post Office,
New Delhi-11.
2. The Director General,
E.M.E. Army Headquarter,
D.H.Q. Post Office,
New Delhi-110 011. ...Respondents

(By Advocate Sh. M.K. Gupta)

ORDER (ORAL)

Shri N.V. Krishnan.

The applicant retired as Supervisor Non-Technical in the office of 505 Army Base Workshop under the second respondent. He has filed this O.A. seeking the following reliefs:

"8.1. That the applicant being victim of delaying tactics at the hands of the respondents, he should have been placed in the pay scale of different grade as given in para 4.8 of the Original Application and, therefore, the applicant hereby prays that this Hon'ble tribunal may graciously be pleased to grant the following pay scales:

w.e.f. 24.4.1968 - 150-240, 205-280.
w.e.f. 01.1.1973 - 550-750
w.e.f. 01.1.1986 - 1640-2900
w.e.f. 21.8.1986 - 200-3200 upto 30.11.1993

The consequential benefits after re-fixation of the pay of the applicant in the above pay scales may also be granted and the

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monetary benefits, increments, and arrears of all the benefits including financial benefits may also be allowed to be granted upto the date of retirement of the applicant.

8.2. That in view of the re-fixation of the pay as prayed for above the applicant may also be allowed the retiral benefits such as the refixation of pension, payment of arrears of gratuity, arrears of leave salary, due to refixation of basic pay, arrears of commutation of pension due to refixation of pension and any other benefits which the applicant might be entitled due to grant of the scales of pay as prayed for and due to refixation of pay and allowances of the applicant.

8.3. That the Hon'ble Tribunal may also grant any other relief(s) including the cost of the applicant, legal expenses, loss due to mental torture, loss of reputation and financial losses as may be deemed fit and just in the facts and circumstances of the case".

2. The brief facts leading to this application are as follows.

2.1. The applicant along with some other persons filed O.A. 627/88, Kamal Prakash & Ors. Vs. Union of India, which was disposed of by the Annexure-A9 order dated 20.7.1992. Para 2 of the order reads as under:

"Attention was drawn to Annex. P-14 (Colly) to the application wherein it was mentioned that an anomalies committee was being considered for appointment and any anomaly about the 4th Pay Commission recommendation be addressed directly to it when formed. This communication was sent on 3rd December, 1987. The learned counsel for the applicants intimated that the final decision in the matter of revision of pay scales of Supervisors (non-technical) to Rs.1400-2300 had not yet been taken. In this view of the matter, we direct the respondents to have the matter finally considered by the appropriate Committee at an early date,

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preferably within six months from the date of receipt of a copy of this order. If the applicants still feel aggrieved thereafter, they are at liberty to file a fresh O.A. With these observations, this O.A. is finally disposed of".

It is thus clear that the matter was referred to the Anomaly Committee for considering the case and passing an appropriate order. Though the respondent had passed an order on 20.7.1992, the present applicant not being satisfied with it filed CCP No. 335/93 in OA 627/88 which was disposed of by the order dated 24.1.1994 (Also Annexure A-9). It was noted by the Bench that the grievance as made by the applicant was not a grievance which could be entertained in contempt proceedings. Therefore, the contempt petition was disposed of granting permission to the applicant to make a fresh application if he so desired. It is in these circumstances that the present O.A. has been filed.

3. The respondents have filed a reply in which they have annexed the order dated 20.1.1994 referred to in the Annexure A-9 order disposing of the contempt petition. By that order, the judgement rendered in O.A. 627/88 was implemented. The following order was passed:

"I am directed to refer to the judgement dated 20th July, 1992 in OA 627/88 of Central Administrative Tribunal, New Delhi filed by the above named individuals versus Union of India. Government has considered the recommendations of Cadre Review Committee in respect of LH (Non Technical) and Supervisor (Non-Technical) in the Corps of EME and accepted the recommendations to provide higher pay scale of Rs.1400-40-1800-EB-

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50-2300 to 8 posts of Supervisors' (Non-Technical) and redesignating as Supervisors (Non Technical Grade-I). The remaining 34 posts of Supervisors (Non-Technical) will remain in the pay scale of Rs.1200-30-1400-EB-1800 with designation of Supervisors (NT) Grade-II in the Corps of EME.

2. With the acceptance of the above recommendations, I am directed to convey the sanction of the President to upgrade 8 posts of Supervisors (NT) to the higher grade of Supervisors (NT) Grade-I in the pay scale of Rs.1400-40-1800-EB-50-2300 in the Corps of EME. The Recruitment Rules for the post of Supervisors (Non Technical) Grade I in the Corps of EME will be framed at the earliest. The remaining existing posts of Supervisor (NT) shall be called as Supervisor (NT) Grade II in the pay scale of Rs.1200-30-1440-EB-1800."

The applicant was not senior enough to get the benefit of the revision of cadre. ^{u Hence} ~~However~~, it is stated, the O.A. deserves to be dismissed.

4. We notice that in the reliefs sought by the applicant, he seeks a direction for revision of his pay w.e.f. 24.4.1968 and 1.1.1973. These reliefs are beyond our jurisdiction in terms of provisions of the Act. He also seeks fixation of pay in the pay scale of Rs.1640-2900 from 1.1.1986 and Rs.2000-3200 w.e.f. 21.8.1986. These reliefs are also barred by limitation. We do not find any justification for these claims.

5. It is clear in terms of Annexure R-II order that the cadre of Non-Technical Supervisors to which the applicant belongs and which was in the pay scale of Rs.1200-1800 was, on the recommendation of the Cadre Review Committee divided into two portions, namely, Supervisors Non-Technical Grade-I and Super-

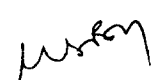
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visors Non-Technical Grade-II w.e.f. 20.1.1994. The Non-Technical Grade-I supervisor carries the higher pay scale of Rs.1400-2300 and consists of 8 posts of Supervisors. The remaining 34 posts of Supervisors are included in the cadre of Non-Technical Grade-II. This has been done on the recommendation of the Cadre Review Committee to give promotion chances. We are unable to understand how the policy decision of the Government can be assailed in these proceedings.

6. The applicant who has retired on 30.11.1993 seems to be aggrieved by the different scales of pay applicable to various posts in the EME on the one hand and in the Ordnance Factory on the other hand, the pay scales in the latter always being higher in 1960, 1.1.1973 and 1.1.1986 after revision of pay scales. Nevertheless, no case has been made out for our interference.

7. In the circumstance, no case has been made out by the applicant. Hence, the O.A. is dismissed. The applicant is at liberty to pursue his grievance with the Fifth Pay Commission, if so advised. No costs.


(C.J. ROY)
MEMBER(J)


(N.V. KRISHNAN)
VICE CHAIRMAN(A)

'SRD'

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SECTION XIV

D.No. 219/95/SC/SEC.XIV
Date: 6th June 1995

From Raj. M. Dhiman,
Assistant Registrar

To ~~The Registrar~~
Central Administrative Tribunal, Principal Bench
Fandikat House New Delhi

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 2503 OF 1995
(Petition under Article 136 (1) of the Constitution of India
from the Judgment and Order dated 15th November 1994
of the ~~Central Admin. Tribunal, Principal Bench at New Delhi~~
In ~~GA No 535/94~~)

Gian Chand

Petitioner

Versus


Union of India & Ors

Respondents

Sir,

I am directed to inform you that the Petition
above-mentioned for Special Leave to Appeal to this Court
was filed by and on behalf of the Petitioner above-named
against the Judgment and Order of the Tribunal
noted above and that the same was dismissed by this Court
on the 6th day of February 1994

Yours faithfully,


Assistant Registrar

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