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CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

O.A. NO. 2233/2000

New Delhi, this the 5th day of September, 2002.

HON'BLE SHRI JUSTICE V.S.AGGARWAL, CHAIRMAN

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

Smt. Urmil Sharma,
133, Sector 12, R.K.Puram,
New Delhi-110022.

... Applicant

(By Shri C.Harishankar, Advocate)

-versus-

1. Union of India through
Secretary, Ministry of
Urban Affairs & Employment,
Nirman Bhawan,
New Delhi-110001.

2. Secretary,
Department of Expenditure,
Ministry of Finance,
North Block,
New Delhi-110001.

... Respondents

(By Shri P.P.Relhan for Shri J.B.Mudgil, Advocate)

O R D E R (ORAL)

Hon'ble Shri V.K.Majotra, Member (A) :

Through this application, applicant has sought direction to respondents for grant of the scale of Rs.425-700 to her w.e.f. 16.4.1973 when she joined the National Building Organisation as Junior Draftsman.

2. Applicant was appointed as Junior Draftsman in the scale of Rs.150-240 w.e.f. 16.4.1973. She was substantively appointed as Junior Draftsman w.e.f. 16.4.1975. A board of a-rbitration recommended on 23.7.1980 scales of Rs.330-560, Rs.425-700 and Rs.550-750 for Draftsman Grades III, II and I respectively in the CPWD. Later on vide Annexure A-4

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dated 13.3.1984 same benefit was extended to Draftsman working in various Ministries/Departments by the Ministry of Finance. However, this benefit was accorded notionally w.e.f. 13.5.1982 and actually from 1.11.1983. By Office Memorandum dated 30.7.1984 (Annexure A-5), applicant's pay scale was revised from Rs.330-560 to Rs.425-700, notionally w.e.f. 13.5.1982 granting her arrears of pay w.e.f. 1.11.1983. On 27.3.1990 O.M. dated 30.7.1984 was cancelled. Applicant filed O.A. No.111/1994 against cancellation of O.M. dated 30.7.1984 and vide order dated 8.5.1995 in that O.A., applicant's pay in the scale of Rs.1400-2300 was directed to be restored. Consequently, respondents cancelled the O.M. dated 27.3.1990 and refixed applicant's pay in the scale of Rs.1400-2300 vide order dated 29.8.1995 (Annexure A-9).

3. The learned counsel of applicant stated that similarly situate S/Shri Dinkar Rao Kawday and Surindra Sharma approached the Tribunal by way of O.A. No.2020/94 contending that they were entitled to the revised scale notionally w.e.f. 22.8.1973 with actual benefit from 16.11.1978 as granted to Draftsman in the CPWD. The O.A. was allowed vide order dated 25.3.1996 (Annexure A-1). The learned counsel stated that applicant being identically situated as applicants in O.A. No.2020/1994, benefit of the order in that O.A. should be accorded to applicant as well. O.A. No.2020/1994 was disposed of with the following observations/directions :

"10. The only answer given by the respondents in reply to the claims of the applicants is that the impugned pay fixation is in accordance with Finance Ministry's O.M. dated 13.2.1994,

according to which the revised pay fixation is to be made notionally w.e.f. 13.5.82 and actually w.e.f. 1.11.83 but in the light of the Tribunal's judgement referred to above the applicants before us cannot be denied the benefit of revised pay fixation notionally w.e.f. 22.8.73 and actually w.e.f. 16.11.78.

11. In the result we hold that the two applicants before us are entitled to the benefit of revised pay fixation notionally w.e.f. 22.8.1993 and actual benefits from 16.11.1978 as has been granted to their CPWD counterparts (who incidentally belong to the same department/Ministry) with all consequential benefits as are admissible under the rules. The arrears should be paid to the applicants within a period of 4 months from the date of receipt of a copy of this judgement."

4. The learned counsel of applicant further stated that applicant's representations dated 10.7.1996, 27.8.1996, 10.11.1997 and 9.2.1998 seeking extension of benefits granted to S/Shri Dinkar Rao Kawaday and Surindra Sharma did not elicit any response.

5. As per 2000 (1) SLJ 223 : Ajay Jadhav v. Government of Goa & Anr., and ATR 1988 (2) CAT 518 : A.K.Khan & Ors. v. Union of India & Ors., similarly placed cannot be treated differently and benefit of judgments of courts and tribunals which have become final should be extended to employees similarly placed and they should not be driven to seek redressal of their grievances to the court.

6. Applicant is similarly placed as applicants in O.A. No.2020/1994. In that case, O.M. dated 13.3.1984 granting the revised pay scale notionally from 13.5.1982 and actual benefits from 1.11.1983 was duly considered and applicants therein were granted the benefit notionally w.e.f. 22.8.1973 and actually from 16.11.1978.

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7. Keeping in view the date of applicant's appointment as Draftsman Grade-II (Junior Draftsman) w.e.f. 16.4.1973, we hold that she is entitled to the benefit of revised pay fixation notionally from 22.8.1973 and actually from 16.11.1978 as granted to her CPWD counterparts (who incidentally belong to the same department/Ministry), with all consequential benefits as admissible under the rules. The arrears should be paid to applicant within a period of four months from the date of receipt of a copy of this order. No costs.

Announced.

V.K. Majotra

(V. K. Majotra)
Member (A)

V.S. Aggarwal

(V. S. Aggarwal)
Chairman

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