

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 768/2000

New Delhi this the 19th day of December, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.A.T.RIZVI, MEMBER (A)

Smt. Vakila Begum wd/o late Akhtar Hussain
R/O Adarsh Colony, Bambapar,
Muradnagar,
Distt. Ghaziabad (UP).

... Applicant

(By Shri Yogesh Sharma, Advocate)

-versus-

1. Union of India through
Secretary, Ministry of Defence,
New Delhi.

2. Director General,
Ordnance Factories Board,
10-A, Auckland Road,
Calcutta.

3. General Manager,
Ordnance Factory, Muradnagar,
Distt. Ghaziabad (UP).

... Respondents

(By Shri V.S.R.Krishna, Advocate)

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

Applicant is the widow of late Akhtar Hussain who died in harness on 17.5.1994. By the present OA she claims certain service benefits which were due and payable to her husband during his life time.

2. Husband of the applicant was appointed at the Ordnance Factory, shahjahanpur on 19.6.1963 as Tailor 'C'. Against a decision of the Tribunal in OA No.2255/89 dated 26.5.1994, certain similarly placed Tailors of the Ordnance Factory had submitted an SLP before the Supreme Court being SLP (C) No.11126 of

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1995 (Shiv Charan Lal & Ors. v. Union of India & Ors.), wherein by judgment and order of 27.7.1995 certain benefits in regard to pay scale were granted. Some other applicants similarly placed as the applicant in the present OA, had filed OA Nos.1511 and 1512/1996 claiming the revised pay scales based on the aforesaid orders of the Supreme Court. By an order passed on 1.2.2000 in the aforesaid OAs directions have been issued to the respondents to compute the pay of applicants therein on the basis that they were quasi permanent in the post of Tailor 'C' and were, therefore, entitled to protection of the pay when appointed as Labourer 'B'. The difference of pay etc. has been directed to be paid over to the applicants within a stipulated period of four months. As far as the deceased husband of the applicant herein is concerned, he has been granted revision of pay scale w.e.f. 1.7.1967 as was granted to the other similarly placed applicants. He has, however, been granted arrears of difference of salary only from 1.1.1983 by an order issued on 18.7.2000 (Annexure CA-I). As far as the aforesaid order of 18.7.2000 is concerned, the same has been issued after the institution of the present OA. The same has granted relief to the applicant only partially. Though revised scales have been granted w.e.f. 1.7.1967, arrears of difference are made payable only from 1.1.1983. No reasons have been assigned why a later date has been chosen to pay his arrears of difference. As far as the applicants in the aforesaid OAs are concerned, they have been granted arrears of difference in salary w.e.f.

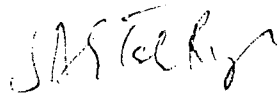
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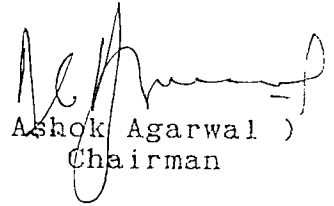
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1.11.1967 in terms of the orders passed by the Supreme Court. We find that the applicant will also be entitled to a similar relief.

3. In the circumstances, we dispose of the present OA with a direction to the respondents to pay the applicant arrears of difference of salary w.e.f. 1.11.1967. Payment in this behalf be made within a period of three months from the date of service of this order. No costs.



(S.A.T. Rizvi)
Member (A)



(Ashok Agarwal)
Chairman

/as/