

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 955 of 2000

New Delhi, this the 18th day of December, 2000

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)

1. Shri D.B. Dhawan
SBSO, Retired
12/73-B, Tilak Nagar,
New Delhi-110 018.
2. Shri B.S. Bali
PBSO, Retired
S-1/30, Old Mahavir Nagar,
Tilak Nagar,
New Delhi-110 018.
3. Kirpal Singh
SBSO, Retired
C-1/84, Janakpuri,
New Delhi-110 058.

-APPLICANTS

(By Advocate: Shri Vijay Kumar)

Versus

1. Union of India through
The Secretary,
Ministry of Defence,
South Block,
New Delhi-110 011.
2. Engineer-in-Chief
Military Engineering Services,
Kashmir House, Rajaji Marg,
New Delhi-110011.
3. The Controller General of Defence Accounts,
West Block V, R.K. Puram,
New Delhi-110 022.

-RESPONDENTS

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

ORDER (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judl)

In this OA the applicants are seeking following reliefs:-

(a) allow the OA with exemplary costs;

(b) quash the impugned orders dated 5.5.2000

(Annexure P-12 supra).

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(c) direct the respondents to extend the benefit of pay revision to the applicants herein in terms of concordance table as per the OM No.2(18) 75/D (Civ.1) dated 12.1.1976 issued by Ministry of Defence;

(d) direct the respondents to extend the benefit of pay revision to the applicants herein in terms of concordance table as per the OM No.2(18) 75/D (Civ.1) dated 12.1.1976 issued by Ministry of Defence and the order passed by this Hon'ble Tribunal on 13.11.1992 (Annexure P-1 supra), 19.3.96 and 9.9.99 (Annexure P-11 supra).

(e) declare that impugned action/decision of the respondents to confine the benefit of 12.1.1976 OM and the order of this Hon'ble Tribunal dated 13.11.1992 to the applicants in OA Nos. 211/86 and 498/86 is illegal.

(f) direct the respondents to work out the quantum of pension and other retiral benefits which applicants are entitled to in terms of pay fixation in accordance with concordance table issued by respondent No.1 Ministry of Defence on 12.1.1976;

(g) direct the respondents to pay interests on the amounts due to applicants from 12.1.1976.

2. For this, they are seeking support from an

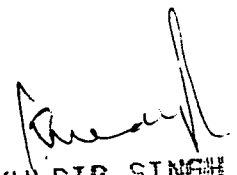
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earlier order passed by this Tribunal in OA Nos. 211/1986 and 498/865 but the department had gone up in SLP before the Hon'ble Supreme Court and department is opposing the prayer. However, in the rejoinder the applicants have submitted that after the SLP was filed before the Hon'ble Supreme Court against the order of the CAT, they prayed that the benefits of the same should be extended to them subject to an undertaking that they would refund the amount paid to them in the event of Union of India succeeding before the Hon'ble Supreme Court. Thereafter on those very lines, an order was passed in OA No.1942/95 and I think that this OA can also be disposed of in terms of the directions given in OA 1942/95. Accordingly I do so.

3. In the light of the Hon'ble Supreme Court's order dated 13.11.1995 in C.A. Nos.2490-91/94 Union of India Vs. A. Lakshminarayana & Others modifying their interim order and directing that the payment be made in terms of Ministry of Defence Order dated 14.12.1993 (Annexure A-4 of the present OA) I dispose of this OA with a direction to respondents to extend the benefit granted vide Tribunal's order dated 13.11.1992 in OA No.211/86 and OA No.498/86 to the present applicants also in accordance with concordance table as per Ministry of Defence OM dated 12.1.19776, upon taking an undertaking from them that they will refund the amount paid to them in terms of this order, if the case is finally decided in favour of the Union of India in CA Nos.2490-91/94.

4. These directions should be implemented within
4 months from the date of receipt of a copy of this
order. No costs.


(KULDIP SINGH)
MEMBER (JUDL)

/Rakesh/