

12 - 13

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
* * *

14.05.1992

OA 94/89

SHRI G. RAJAMANICKAM & 4 ORS. ... APPLICANTS

VS.

UNION OF INDIA & ORS. ... RESPONDENTS

OA 95/89

SHRI T. MANOHARAN & 8 ORS. ... APPLICANTS

VS.

UNION OF INDIA & ORS. ... RESPONDENTS

CORAM :

HON'BLE SHRI J.P. SHARMA, MEMBER (J)

FOR THE APPLICANT ... NONE

FOR THE RESPONDENTS ... SH. P. H. RAMCHANDANI

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*

2. To be referred to the Reporter or not? *Yes*

JUDGEMENT (ORAL)

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J))

The facts and issues involved in both the cases are similar. OA 94/89 was originally filed in the Central Administrative Tribunal, Madras Bench and OA 95/89 was originally filed in the New Bombay Bench. The applicants in both the cases are employees of the Central Works Department of the Union of India and are employed as Junior Engineers. In both the Original Applications the notification dt. 13.9.1986 has been assailed and also impugned Central Civil Services (Revised Pay) Rules, 1980. The applicants are not turning up in both the cases since last a number of dates and their cases have gone by non representation.

Je ...2..

14

The learned counsel for the respondents, Shri P.H.Ramchandani stated that the number of similar cases had come before the Principal Bench of the Central Administrative Tribunal and one of the cases is reported in 1991(16) ATC p-218 (Shri A.N. Banerjee & Ors. Vs. Union of India & Anr.) and in that case also, there was a prayer for quashing the relevant part of the orders contained in the Government of India, Ministry of Finance Resolution dt.13.9.1986, fixing the pay of the applicants, Junior Engineers as Rs.1400-2300 w.e.f. 1.1.1986. There were other prayers also in that case for grant of the pay scale of Rs.1640-2900 w.e.f. 1.1.1986 with a direction to the respondents to grant the applicants, Junior Engineers, CPWD the scale Rs.550-900 w.e.f. 9.9.1973 with arrears of pay. It appears that the learned counsel for the respondents appearing in the present case also appeared as a counsel for the respondents in the cited case of Shri A.N.Banerjee. After considering the matter, the Tribunal has disposed of that case by the directions given in para-29 of the said judgement, which is reproduced below :

In the conspectus of the facts and circumstances of the case, the application is disposed of with the following orders and directions :

- (i) We uphold the validity of the prescription of two different pay scales to Junior Engineers in CPWD and upgradation of 75 per cent of the total number of posts, in accordance with the recruitment rules notified on 26.5.1987. However, the higher pay scale shall not be brought into force unless the suitability of the promotion of Junior Engineers, Grade II to Grade I is considered by the DPC, in accordance with the office memorandum issued by them on 11.6.1987.
- (ii) Before making any appointment to the posts of Junior Engineer, Grade I, the respondents should

...3...

Le

also amend the recruitment rules so as to specify the job functions and duties to be assigned to the Junior Engineers working in the two grades.

(iii) The respondents shall comply with the above directions within a period of four months from the date of communication of this order. The learned counsel for the respondents gave a statement at the bar that he has no objection if the cases of the present applicants in both the Original Application Nos. 94/89 and 95/89 are governed by the directions issued in the aforesaid reported case.

In view of the above, it is needless to go into the merits of the contentions raised by the applicants in both the Original Applications and the reasoning given by the Division Bench is accepted and affirmed in the aforesaid O.A. also.

Both the Original Applications are, therefore, disposed of with the direction that the ^{parties} applicants shall ^{be} governed by the decision arrived at in the case of Shri A.N. Banerjee & Ors., referred to above and will be entitled to the relief which has been given and allowed to the applicants of that case with effect from the same date and with all such consequential benefits which have been awarded to those applicants by virtue of the decision of the case of Shri A.N. Banerjee & Ors. In the circumstances, the parties shall bear their own costs. A copy of the judgment be placed in the other file.

(J.P. SHARMA)
MEMBER (J)
14.05.1992