

In the Central Administrative Tribunal
Principal Bench: New Delhi

Regn. No. RA-146/92
MP-1297/92
OA 1291/87

Date of decision: 15.04.1993.

Union of India & Others.

...Petitioners

Versus

Shri Balbir Singh & Others

...Respondents

Coram:-

The Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman(J)
The Hon'ble Mr. I.K. Rasgotra, Member (A)

For the petitioners

Shri P.P. Khurana, Counsel.

For the respondents

Shri K.L. Bhandula, Counsel.

Judgement(Oral)
(Hon'ble Mr. I.K. Rasgotra, Member (A))

This R.A. has been filed by the respondents in the main O.A., seeking review of our judgement in oA-1291/87 dated 11.10.1991. The prayer in the petition was allowed by a Bench comprising the then Hon'ble Chairman, Mr. Justice Amitay Banerji and one of us (Hon'ble Shri I.K. Rasgotra, Member (A)). The operative part of the judgement reads as follows:-

"We are aware that these compelling factors would have weighed heavily with the various Benches of the Tribunal while allowing the benefits to the petitioners in the cases referred to above. We are, therefore, in respectful agreement with the judgements delivered by the various Benches of the Tribunal and accordingly, order and direct the respondents to allow the notional fixation of pay, as applicable to the Draftsmen in the C.P.W.D. w.e.f. 22.8.1973 with actual benefit from 16.11.1978. This may be done within 4 months from the date of receipt of a copy of this order."

2. The petitioners in the R.A. (respondents in the main O.A.) have pointed out that the benefit of notional fixation of pay w.e.f. 22.8.1973 and the actual benefit

83

from 16.11.1978, cannot be granted to the petitioners No.16 to 27 as petitioners No.16 to 26 were appointed on various dates in the year 1980, while petitioner No.27 in the main O.A. was appointed in July, 1982. The petitioners in the R.A. (respondents in the main o.A.) admit that this fact could not be brought to the notice of the Tribunal when the judgement was passed inadvertantly. The learned counsel for the respondents (petitioners in the main O.A.) Shri K.L. Bhandula with Shri N.K. Batra accepts the position that petitioners No.16-27 were appointed in the year 1980 and 1982, as stated earlier. They cannot, therefore, be allowed the notional benefit of our judgement from 16.11.1978.

3. Shri P.P. Khurana, learned counsel for the petitioners in the R.A. who was present on 13.4.1993, had submitted that he would like to check up the position from the office of the respondents but fairly conceded that he would have no objection to granting the benefit to the petitioners No.16-27 in the O.A. from the dates they were appointed. This matter was taken up in the morning, but the learned counsel for the respondents Shri P.P. Khurana in the main O.A. was not present. We took up this matter again in the afternoon at 2.25 p.m. but Shri Khurana was not present.

4. We have considered the matter carefully and in view of the circumstances narrated above, we are of the opinion that the operative part of the judgement dated 11.10.1991 needs modification to the extent indicated below. Accordingly, we direct the Registry to substitute

2

the operative part of the judgement reproduced earlier by the following:-

"We are aware that these compelling factors would have weighed heavily with the various Benches of the Tribunal while allowing the benefits to the petitioners in the cases referred to above. We are, therefore, in respectful agreement with the judgements delivered by the various Benches of the Tribunal and accordingly, order and direct the respondents to allow the notional fixation of pay, as applicable to the Draftsmen in the C.P.W.D. from 22.8.1973 with actual benefit from 16.11.1978 in respect of the petitioners No.1-16 listed hereunder:

1. Balbir Singh
2. S.K. Handa
3. R.N. Khera
4. S.P. Hassri
5. R.V. Gupta
6. R.K. Mohan
7. R.K. Dubey
8. S.B. Singhwar
9. S.S. Bhakta
10. Lalit Kumar
11. Rattan Singh
12. Dinesh Kumar
13. Jai Singh
14. B.B. Bhatia
15. Joginder Singh

The petitioners No.16-27 listed below shall be allowed the benefit of fixation of pay in the revised scale under the normal rules from the


dates of their respective appointments in service:


S/Shri

16. Gurinder Singh
17. Ajay Kumar Kapoor
18. Surinder Kumar
19. Pradeep Kumar
20. Joginder Singh Bhimta
21. Surinder Pal
22. K.T. Gopalan
23. G.P. Kaushik
24. Kulbir Singh
25. Gyan Singh
26. Ram Kishan
27. S.B. Dube

This may be done within four months from the date of receipt of a copy of this order."

5. A copy of this order be sent to all the concerned authorities.
6. The R.A. is disposed of as above.


(I.K. RASGOTRA)
MEMBER(A)


(S.K. DHAON)
VICE-CHAIRMAN(J)

San.