

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Regn. No. OA 243/1990

Date of decision: 10.12.92

Shri A.S. Bahl & Others

...Applicants

Versus

Union of India through Ministry of
Energy (Department of Power) Sharam
Shakti Bhawan, New Delhi & Others

...Respondents

For the Applicants

...Shri H.M.
Singh, Counsel

For the Respondents

...Shri K.L.
Bhandula,
Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

1. Whether to be referred to the Reporters or not? N-

JUDGMENT (ORAL)

(of the Bench delivered by Hon'ble Shri P.K.
Kartha, Vice Chairman(J))

We have heard the learned counsel of both parties
and have gone through the records of the case carefully.

The applicants while working as Senior Draftsmen in the
Central Electricity Authority, filed this application under
Section 19 of the Administrative Tribunals Act, 1985,
seeking the following reliefs:-

(i) To quash the Office Order No.595/1989 dated
17.3.1989 issued by the respondents to the extent that
it denies pay scale of Rs.425-700 to them from the date of

their promotion as Senior Draftsmen; and

(ii) to hold that the applicants would be entitled to the higher pay scale of Rs.425-700 and all consequential benefits including arrears with effect from the date they were promoted as Senior Draftsmen and the recommendation of the Third Pay Commission became effective.

2. The applicants were promoted as Senior Draftsmen after 1.1.1973. Persons similarly situated filed applications in this Tribunal and they were granted the reliefs sought by the applicants now before us.

In P.K. Taneja & Others Vs. Union of India & Others (TA 194/1985), this Tribunal by its judgment dated 9.4.1986 held that the impugned notification dated 9.12.1974 under which Senior Draftsmen were partly given the pay scale of Rs.425-700 and partly Rs.330-560,

in so far as it denies the pay scale of Rs.425-700 to all the Senior Draftsmen is void. Accordingly, the said notification was quashed to the extent that it permitted the admission of some of the Senior Draftsmen to the lower pay scale of Rs.330-560. The Tribunal further directed that all Senior Draftsmen, including the petitioners are entitled to the higher

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pay scale of Rs.425-700 from the date they were promoted as Senior Draftsmen. Accordingly, the petitioners and all those similarly placed will be entitled to the higher scale of pay and all consequential benefits including arrears with effect from the date they were promoted as Senior Draftsmen and the recommendation of the Third Pay Commission became effective*. The Tribunal has granted similar reliefs in A.K. Khanna & Others Vs. Union of India & Others (OA 1942/1988 decided on 6.9.1988) and in J.K.P. Sharma & Others Vs. Union of India & Another (OA 301/1986 decided on 10.06.1988).

3. On going through these judgments, we are of the opinion that the applicants in the present application are also similarly situated. The learned counsel for the respondents states that the applicants have submitted representations for giving the same benefits but they have not finally redressed their grievances and no final decision has been taken.

4. After hearing both sides, we direct that the respondents shall pass final orders on the representations submitted by the applicants keeping in view the aforesaid judgments of the Tribunal as expeditiously as possible and preferably within a period of three months from the date of

receipt of this order. In case the applicants are still aggrieved, they will be at liberty to file ^a fresh application in accordance with law, if so advised.

There will be no order as to costs.

B.N. Dhundiyal.

(B.N. DHUNDIYAL)
MEMBER (A)
10.12.1992

recd
(P.K. KARTHA)
VICE CHAIRMAN (J)
10.12.1992

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