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**Central Administrative Tribunal
Principal Bench**

OA 2304/2004,
OA 2305/2004,
OA 2306/2004

New Delhi, this the 6th day of January, 2006.

Hon'ble Mr. V.K. Majotra, Vice-Chairman (A)
Hon'ble Mr. Shanker Raju, Member (J)

OA 2304/2004

1. Shri Devi Dutt
MES No. 311507
S/o Shri Lalmoni
R/o 67/8 Kabul Line Delhi Cantt. -10
2. Shri Brahm Dutt
MES No. 361764,
S/o Shri Roop Chand
R/o F-44/1 Kabul Line Delhi Cantt. -10
3. Shri Jagdish
MES No. 358208
S/o Shri Cheala Ram
R/o 70, Tihar Village, Tilak Nagar,
New Delhi.
4. Shri Ram Kumar
MES No. 363296
S/o Shri Tek Chand
R/o Village Dudela WZ-54, New Delhi.
5. Shri Budh Ram,
MES No. 363293
S/o Shri Chhote Lal
R/o 2/19 Harision Basti, Dava Basti
New Delhi.
6. Shri Amar Nath
MES No. 313967
S/o Shri Deppan Manjhi
R/o RZ-63A, Vashist Park, Gali No.25
Pankha Road, New Delhi - 46.
7. Shri Umed Singh
MES No. 371193
S/o Shri Ganishi Lal
R/o 68/16, Kabul Line, Delhi Cantt-10
8. Shri Mahavir Tyagi,
MES No. 366423
S/o Shri Badlu Ram
R/o WZ-47, Old Market, Village Budela
New Delhi.

9. Shri Pal Singh
MES No. 373276
S/o Shri Tek Ram
R/o Village Seenk, Dated. Pamipath
Haryana.
10. Shri Shyam Vihari,
MES No. 367255
S/o Shri Mallam
R/o 26, Krishna Colony,
T. Camp Athal Gawan Uttam Nagar,
New Delhi.
11. Shri Surinder Mohan
MES No. 366425
S/o Shri Jagdish Mittal
R/o Sewi P/House DK Part I
Delhi Cantt.
12. Shri Kaml Rai Sharma
MES No. 373273
S/o Shri Satpal Sharma
R/o H.No. 150, Sector 15, Gurgaon
13. Shri Ram Lal
MES No. 363295
S/o Late Shri Gayadin
R/o 25/11 APS Colony, Delhi Cantt.
14. Shri Sadhu Ram
MES No. 373277
S/o Shri Ram Sarup
R/o Bhainsoae Kalan
Sonpath, Haryana

-Applicants

(By Advocate Shri Surinder Singh)

Versus

Union of India through

1. The Defence Secretary
Ministry of Defence, Government of India
South Block, New Delhi - 110 011.
2. Engineer-in-Chief
Army Headquarters
New Delhi.
3. Chief Works Engineer (Utility)
Delhi Cantt.

... Respondents

(By Advocate Shri S.N. Sharma)

OA 2305/2004

1. Shri Rambir Singh
MES No. 370198
S/o Hargan Singh
R/o Village Mahammed Pur
Dt. Gurgaon, Haryana
2. Shri Sohan Pal
MES No. 363607
S/o Shri Kishori Lal,
R/o 1864 Kotla Mubarakpur,
Ravidas Basti, New Delhi – 110 003.
3. Shri Dharam Vir
MES No. 373469
S/o Shri Kali Ram,
R/o Village Ahlapur, Dt. Gurgaon
Haryana
4. Shri Umed Singh
MES No. 373477
S/o Shri Roop Singh
R/o Village & P.O. Chawla, Kawa
New Delhi – 110 043
5. Shri Samay Singh
MES No. 365897
S/o Shri Tek Chand,
R/o Village Kanganheri, P.O. Chawla
New Delhi – 110 071.
6. Shri Ram Phal
MES No. 360572
S/o Shri Sundari Ram
R/o Village Gochi, District Jhajar Beri
Haryana.
7. Shri Sarup Chand
MES No. 312249
S/o Shri Chhotey Lal
R/o Village Mangroli, P.O. Jewar,
District Bulland Sahar, (UP)
8. Shri Bhagwan Singh
MES No. 370025
S/o Shri Raja Singh,
R/o Village Kola, P.O. Patti Ka Guard,
District Pori Garwhal
Uttaranchal
9. Shri Vinod Kumar
MES No. 371145
S/o Shri Hukam Chand,
R/o 42/13, Kabul Line,
Delhi Cantt., Delhi – 10

10. Shri Ram Lal
MES No. 378201
S/o Shri Prem Dass,
R/o K-105, Nihal Vihar, Nangloi
New Delhi.
11. Shri Rattan Singh
MES No. 353485
S/o Shri Ghagi Ram, Mundra,
New Delhi - 110 043
12. Shri Dhani Ram
MES No. 358205
S/o Shri Tej Ram,
R/o T-1/7, Uri Enclave,
Delhi Cantt., Delhi - 10
13. Shri Babu Lal
MES No. 466669
S/o Shri Matadin,
R/o RZ-391, Brahmpuri Pankha Road
New Delhi - 110 046
14. Shri Roop Chand
MES No. 360571
S/o Shri Nihal Singh,
R/o Village & P.O. Badsahpur,
Gurgaon, Haryana
15. Shri Rameshwar
MES No.
S/o Shri Bharat Singh
R/o Village Bijwasan
16. Shri Gainda Ram
MES No. 363389
S/o Shri Sarwan
R/o RZ-164, Brahmpuri,
New Delhi - 110 046.
17. Shri Durga Prasad
MES No. 355660
S/o Shri Raja Ram
R/o House No.01, Vijay Enclave,
New Delhi.

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18. Shri Shri Ram
MES No. 363543
S/o Shri
R/o Village Radgunj, District Sultanpur
State UP
19. Shri Ram Prasahad
MES No. 369669
S/o Shri Ram Singh
R/o 6275, Navi Karim Pharganj
New Delhi.
20. Shri Om Prakash
MES No. 371114
S/o Shri Chandgi Ram,
R/o Loha Khurd,
P.O. Nana Majra,
District Jhajar, Haryana
21. Shri Mehar Chand
MES No. 371589
S/o Late Shri Mani Ram,
R/o 60, Jawalaheri,
New Delhi – 110 063.
22. Shri Ram Chander
MES No. 365833
S/o Late Shri Maharam
R/o V-8, Old Nangal
Delhi Cantt,
Delhi
23. Shri Tara Chand
MES No. 360486
S/o Late Shri Hukum Chand
R/o WZ-23C,
Near Oriental Bank,
Palam Village,
New Delhi.
24. Shri Bhagawati Prasad
MES No. 3689612
S/o Late Shri Baij Nath Pal
R/o M.A. 26, MES Colony,
Subroto Park,
New Delhi – 10

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25. Shri Jot Ram
MES No. 361897
S/o Late Shri Shiv Lal
R/o Village Dinokahar,
Gurgaon, Haryana

...Applicants

(By Advocate Shri Surinder Singh)

Versus

Union of India through

1. The Defence Secretary
Ministry of Defence, Government of India
South Block, New Delhi – 110 011.
2. Engineer-in-Chief
Army Headquarters
New Delhi.
3. Chief Works Engineer (Utility)
Delhi Cantt.
4. Chief Works Engineer (Air Force)
Delhi Cantt.

...Respondents

(By Advocate Shri J.B. Mudgil, proxy for Shri S.N. Sharma)

OA 2306/2004

1. Shri Kanwar Bahadur
MES No. 364076
Aged about 52 years
S/o Shri Satruhan Singh
R/o Parade Ground Pump House
Delhi Cantt.-10
2. Shri Durni Chand
MES No. 361754
Aged about 58 years
S/o Shri Jaggi Ram
R/o 73/18 Abul Line
Delhi Cantt.-10
3. Shri Mam Chand
MES No. 366379
Aged about 49 years
S/o Shri Moji Ram
R/o Sahabad Mohammadpur
New Delhi – 110 061.

4. Shri Shukh Pal
MES No. 373472
Aged about 41 years
S/o Shri Man Chand
R/o Gali No.2, Nashirpur Gaon
New Delhi – 110 045
5. Shri Ram Bahadur
MES No. 314085
Aged about 40 years
S/o Shri Tharai
R/o B-269, Katub Vihar
Goyala Dairy,
New Delhi – 110 071.
6. Shri Siri Bhagwan
MES No. 373470
Aged about 39 years
S/o Shri Lajje Ram
R/o Village Ambarbai
Palam,
New Delhi – 110 045.
7. Shri Narinder Singh
MES No. 371144
Aged about 40 years
S/o Shri Inder Singh
R/o 4no Pultary Firm
Delhi Cantt.-10
8. Shri Ramesh Kumar
MES No. 371480
Aged about 37 years
S/o Shri Dilsukh Saini
R/o RZ-70B, Raj Nagar, Part-II
Gali No.10,
Palam Colony, New Delhi-45
9. Shri Mahavir Singh
MES No. T-2542
Aged about 38 years
S/o Shri Lal Chand
R/o RZ-6, Hand Park
New Sagarpur,
New Delhi-110 046.
10. Shri Babu Lal
MES No. 371279
Aged about 37 years
S/o Shri Kanai
R/o T-2 Cav Hill Pump House
Delhi Cantt.-110010.

11. Shri Vipal Raj
MES No. 371149
Aged about 37 years
S/o Shri Ram Chander Sharma
R/o 253, CVD Line
Sadar Bazar, Delhi Cantt.-10
12. Shri Pratap Singh
MES No. 370828
Aged about 36 years
S/o Shri Nardwari Lal
R/o Jhanse, P.C. Jhanse
District Gurgaon, Haryana
13. Shri Rajinder Singh
MES No. 370643
Aged about 40 years
S/o Shri Bhanwari Lal
R/o Village and P.O. Mans Garh
District Gurgaon,
Haryana
14. Shri Subhash Chand
MES No. 369715
Aged about 48 years
S/o Shri Mallu Ram
R/o Village Igiampur, P.O. Fajilpur,
District Gurgaon,
Haryana.
15. Shri Ram Dayal
MES No. 370146
Aged about 41 years
S/o Shri Pachu Yadav
R/o 267,
Mahavir Enclave Part II
Palam Colony,
New Delhi - 110 045.
16. Shri Nav Rattan Singh
MES No. 371146
Aged about 42 years
S/o Shri Parmoti Singh
R/o 25/24 C.V.D. Line
Sadar Bazar,
Delhi Cantt.-10

17. Shri Pratap Singh
MES No. 370874
Aged about 38 years
S/o Shri Budh Singh
R/o O.H. No. 105, Village Jhareha
New Delhi - 10
18. Shri Resal Singh
MES No. 369991
Aged about 42 years
R/o Village & P.O. Bhota Held
District Gurgaon, Haryana
19. Shri Param Hans
MES No. 361249
Aged about 46 years
S/o Shri Dukahati
R/o 73/2

...Applicants.

(By Advocate Shri Surinder Singh)

Versus

Union of India through

1. The Defence Secretary
Ministry of Defence, Government of India
South Block, New Delhi - 110 011.
2. Engineer-in-Chief
Army Headquarters
New Delhi.
3. Chief Works Engineer (Utility)
Delhi Cantt.

... Respondents

(By Advocate: Shri S.N. Sharma)

ORDER

Mr. Shanker Raju, Hon'ble Member (J):

As the facts are identical, involving common question of law, OAs are disposed of by this common order in order to avoid multiplicity.

2. Applicants are Valvemen by trade and have been serving in Military Engineering Service (MES). They have been appointed during the interregnum 1981-1991 and have sought revision of pay scale in the skilled grade with arrears from 16.10.1981.

3. A similar matter in OA-51/2002 had come up before the Jodhpur Bench of the Tribunal in **Tulsi Ram & Ors. v. Union of India & Ors.**, wherein by an order dated 18.10.2002, relying upon the decision of the Tribunal in OA-206/1995 - **Mahendra Kumar & Ors. v. Union of India & Ors.**, which was upheld by the High Court of Rajasthan in WP No.1391/99 by order dated 16.3.2000. An SLP No.3948/2000 was filed before the Apex Court against the order of the Rajasthan High Court which was dismissed on 24.9.2001 and relief was accorded to petitioners therein for grant of skilled scale from the initial date of appointment as Valvemen. The aforesaid decision was complied with by the Ministry of Defence vide their order dated 21.7.2003, subject to the pending SLP No.3948/2001, which was dismissed on 24.9.2001.

4. Earlier the case was finally heard and allowed on the ground that applicants are similarly circumstanced by an order dated 6.4.2005. RAs No.116, 118 and 119 of 2005 filed in these OAs by the respondents brought into notice stay of the decision of the High Court of Rajasthan in **Union of India & Anr. v. Gepa Ram Valveman & Ors.** in SLP No.11442/2003, which has not been considered by us. Accordingly, order was recalled and RAs were allowed.

5. Now the matters have been heard. Learned counsel of applicants still maintains that mere stay of the order in **Gepa Ram** (supra) by the Apex Court would not be an impediment for grant of benefit to applicants as being similarly circumstanced as decision in

Mahendra Kumar case (supra) has attained finality by the Apex Court. As such, it is stated that though some of applicants earlier had approached the Court in OA-627/2001- **Chhote Lal & Ors. v. Union of India & Ors.** which was dismissed on 18.2.2002 with a direction to await outcome of IA-1/97 in **Amarnath & Ors. v. Union of India.** In the above backdrop learned counsel of respondents stated that in **Amarnath's** case (supra) CA-582/2000 matter has been remanded back to the High Court for fresh consideration on 6.10.200. As such in the light of **Gepa Ram's** case (supra) pending before the Apex Court these OAs may be dismissed.

6. On careful consideration of the rival contentions of the parties in **Chhote Lal's** case (supra) directions were to the extent of pending SLP in **Amarnath's** case and in case of dismissal of SLP consideration of the case of applicants therein. But as the SLP has been allowed to the extent of remanding back of the case stay granted by the Apex Court is no more in operation and the claim of petitioners therein is still to be re-adjudicated by the High Court. However, in **Mahendra Kumar's** case (supra) decision in OA-51/2002 in the case of **Tulsi Ram** (supra) had already been implemented by the Ministry of Defence vide their letter dated 21.7.2003 applicants being similarly circumstanced cannot be denied the benefit of the aforesaid decision of the respondents as well as extension of benefit in **Tulsi Ram's** case (supra) which has attained finality by rejection of the SLP. Moreover, it is trite law that mere stay by the Apex Court on a decision rendered and

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affirmed by the High Court respectively would not be an impediment to treat the decision as precedent unless it is modified or over-turned as a final outcome by the Apex Court. As such, as applicants are similarly circumstanced they cannot be denied the skilled scale and arrears thereof from 16.10.1981. Accordingly, OAs are allowed. Respondents are directed to accord pay scale of Rs.950-1500 (now-revised) to applicants from the date of initial appointment(s). However, the implementation shall be subject to the outcome of the SLP and in that event law shall take its own course. The respondents shall complete the aforesaid exercise within a period of two months from the date of receipt of a copy of this order. No costs.

A copy of this order be placed in the case file of each case.

(Shanker Raju)
Member (J)

(V.K. Majotra)
Vice-Chairman(A)

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6.1.06

प्रमाणित सत्यप्रतिलिपि
CERTIFIED TRUE COPY
दिनांक/Dated.....
अध्यक्ष अधिकारी/Section Officer
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रधान कार्यालय, नई दिल्ली
Regional Bench, New Delhi