

37

**Central Administrative Tribunal
Principal Bench**

OA No.1028/2004

New Delhi this the 29th day of May, 2006.

***Hon'ble Mr. Shanker Raju, Member (J)
Hon'ble Mrs. Chitra Chopra, Member (A)***

1. Ravinder Singh S/o Shri Chatter Singh
2. Muni Pal Singh S/o Shri Pat Ram
3. G.S. Rawat S/o Shri N.S. Rawat
4. Smt. Nirmala w/o Shri Chhote lal
5. Ashok Kumar S/o Shri Ganga Ram
6. Smt. Saroj Devi w/o Ramesh Chander
7. Duni Chand S/o Shri Abu Ram
8. Smt. Janak Dulari w/o Shri Mohinder Pal
9. Kallu S/o Shri Ishaq
10. Satbir Singh S/o Shri Daryao Singh
11. Ganga Ram S/o Shri Dula Ram
12. Smt. Phool Kumar w/o Shri Joginder Lal -Applicants

(All working as Tailor in Ordnance Depot, Shakurbasti)

(By Advocate Shri Vijay Pandita)

-Versus-

Union of India, through

1. The Secretary,
Ministry of Defence,
Govt. of India,
South Block,
New Delhi.
2. The Director General of
Ordnance Services (Pers),
Army Headquarters,
DHQ PO, New Delhi-110011.
3. The PCDA,
Western Command,
Chandimandir,
(Chandigarh).
4. The Commandant,
Ordnance Depot,

Shakur Basti,
Delhi.

-Respondents

(By Advocate Mrs. Promila Safaya)

ORDER (ORAL)

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

Applicants, Tailors in Ministry of Defence, assail respondents' order dated 5.1.2001, whereby they had been denied first financial upgradation in the pay scale of Rs.5,000-8,000/- as well as second financial upgradation in the pay scale of Rs.5,500-9000/- under the Assured Career Progression Scheme (ACP). They have sought extension of benefit of the decision of the Chandigarh Bench of this Tribunal in the case of other Tailors, viz., ***Rupa Singh & Ors. v. Union of India & Ors.***, decided on 10.10.2002, OA No.1286/JK/2001. In ***Rupa Singh's*** case (supra) the Chandigarh Bench of the Tribunal as per the hierarchy for financial upgradation granted the pay scale to applicants therein, which was implemented, though subject to the final outcome of the CWP No.15739/CAT/03 filed before the Chandigarh Bench of the Punjab & Haryana High Court.

2. Applicants who had qualified the skilled test also seek benefit of the orders of the Chandigarh Bench of the Tribunal which were implemented by the respondents on 19.1.2004. A reliance has been placed on a Division Bench decision of the Principal Bench of this Tribunal in OA No.2671/2004 in ***Shri Surinder Singh v. Union of India & Ors.***, decided on 20.4.2006, wherein being similarly

33

circumstanced applicants have been accorded benefits of the decision of the Chandigarh Bench of the Tribunal in the light of the decision of the Constitution Bench of the *Apex Court* in **K.C. Sharma & Ors. v. Union of India & Ors.**, 1998 (1) SLJ SC 54).

3. Learned counsel would contend that applicants being identically situated are also entitled to the same benefits as granted by the Chandigarh Bench of the Tribunal to applicants in **Rupa Singh's** case (supra) and implemented by the respondents, though subject to the final outcome of the Writ Petition (supra) filed before the Punjab & Haryana High Court.

4. On the other hand, Smt. Promila Safaya, learned counsel appearing for respondents vehemently opposed the contentions but not disputed the implementation of the case of **Rupa Singh** (supra) subject to the final outcome of the Writ Petition (supra) filed before the Punjab & Haryana High Court.

5. Being satisfied that applicants, who had passed the skilled test, being Tailors, are on all fours covered by the ratio of **Rupa Singh** (supra), which has been followed with the following observations in **Surinder Singh's** case (supra):

“Heard the learned counsel for both the parties.

2. Learned counsel for the applicants seeks extension of benefit of decision of Bench of the Tribunal at Chandigarh in O.A. 1286/JK/2001 dated 10.10.2002 wherein holding that the post of Tentmender is not an

36

isolated one and having regard to Circular dated 9.8.1999 under ACP Scheme, applicants were held entitled to the scale of Chargeman Group 'B' (Rs. 4500-126-700), as modified with all consequential benefits.

3. This has already been implemented by the respondents vide their letter-dated 10.1.2004. However, we have been apprised that the decision of the Chandigarh Bench has been challenged before the High Court of Punjab at Chandigarh and stay has been accorded.

4. A similar claim filed in O.A. 965/2004 in Subhash and Ors. Vs. UOI and Ors. was disposed of on 30.11.2004 with the direction that similarly circumstanced persons cannot be deprived of the benefit as held by the Constitution Bench of the Apex Court in K.C. Sharma v. UOI and Ors. (1998 (1) SLJ SC 54) and accordingly the said O.A. was allowed and respondents were directed to accord pay scale of Rs.5000-8000/- to the applicants subject to their eligibility w.e.f. 9.8.99 with all consequential benefits and this should be done subject to the pending CWP.

5. We are satisfied that the present O.A. is covered in all fours by the ratio of the Chandigarh Bench (supra) as well In O.A. 965/2004

6. O.A. stands disposed of with the direction to the respondents to extend the same benefits to the applicants mutatis mutandis with arrear from 9.8.99 as has been granted to the applicants by the Chandigarh Bench in O.A. 1286/JK/2001 as well as O.A. 965/2004 within two months from the date of receipt of a copy of the order. No costs."

6. In the light of the above, impugned order is set aside.

Respondents are directed to accord first and second financial



upgradation to applicants in the pay scale of Rs.5,000-8,000/- and Rs.5,500-9,000/- respectively, with all consequential benefits, subject to the final outcome of the CWP No.15739/CAT/03, sub judice before the Chandigarh Bench of the Punjab & Haryana High Court, within a period of two months from the date of receipt of a copy of this order.

7. With the aforesaid directions OA stands disposed of. No costs.

Chitra Chopra
(Chitra Chopra)
Member (A)

S. Raju
(Shanker Raju)
Member (J)

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