

9

Central Administrative Tribunal  
Principal Bench, New Delhi.

OA-1953/2004

New Delhi this the 11<sup>th</sup> day of February, 2005.

Hon'ble Shri Shanker Raju, Member(J)  
Hon'ble Shri S.K. Malhotra, Member(A)

Shri Thakur Singh,  
S/o late Sh. Lekh Ram,  
R/o 1958, Laxmi Bai Nagar,  
New Delhi-23.

..... Applicant

(through Sh. R.N. Singh, Advocate)

Versus

Union of India,  
Department of Telecommunication,  
Ministry of Communication,  
Sanchar Bhawan,  
Ashoka Road,  
New Delhi-1.

..... Respondent

(through Sh. B.S. Jain, Advocate)

Order (Oral)

Hon'ble Shri Shanker Raju, Member(J)

Applicant a retired Chief Draughtsman seeks grant of benefit of judgment/order dated 5.2.2002 passed in OA-1747/2000 (Charan Singh & Ors. Vs. U.O.I.) by the Principal Bench of the Tribunal in so far as revision of pay scale of Rs. 6500-10000/- w.e.f. 1.1.1996 is concerned.

2. Applicant who retired on superannuation on 31.5.1997 was a Chief Draftsman. The hierarchy in the respondents' organization was Chief Draughtsman, Senior Draughtsman, Junior Draughtsman and Tracer. In OA-1747/2000, the Tribunal has placed Chief Draughtman in the pay scale of Senior Draughtman w.e.f. 1.1.1996. The aforesaid decision was carried to the Hon'ble High Court of Delhi in CW No. 7063 where by an order dated 8.12.2003 the decision of the Tribunal was upheld. The aforesaid decision was further taken to the Apex Court and was upheld on merits in SLP-187/2005 on 17.01.2005.

3. We are convinced that the applicants are similarly circumstanced as respondents themselves by an order dated 03.11.2003 had decided to consider all consequential benefits of OA-1747/2000 to the applicants subject to decision of the pending Writ Petition before the High Court.

4. Learned counsel for respondents Shri B.S. Jain contends that in principle after rejection of SLP, Government has decided to implement the directions. In this view of the matter and having regard to the fact that the applicant is identically situated and in all fours covered by the decision of the Tribunal (supra) and in the light of Constitutional Bench decision of the Apex Court in K.C. Sharma Vs. U.O.I. (1998(1)SLJ 58), being a judgment in rem as a model employer Government would have extended the benefits suo moto to the applicant as well. It is unfair and not reasonable on their part to drag individuals for litigation before the Courts which would be a burden on the Public Exchequer and also leads to the multiplicity of the litigation.

5. In the result, OA is allowed. Respondents are directed to extend the benefit of revision of pay scale as in OA-1747/2000 to the applicant w.e.f. 1.1.1996 with all consequential benefits including arrears of pay, re-fixation of pension and retiral benefits. Applicant shall also be entitled to an simple interest @ 10% on the aforesaid amount. This shall be complied with by the respondents within three months from the date of receipt of a copy of this order. No costs.

  
(S.K. Malhotra)  
Member(A)

  
(Shanker Raju)  
Member(J)