

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

6

OA 963/2004

New Delhi, this the 30th day of November, 2004

Hon'ble Sh. Shanker Raju, Member (J)

Hon'ble Sh. Sarveshwar Jha, Member (A)

1. Subnas, S/o Sh. Bhim Singh
H.No.698, A/21, Kailash Colony, Rohtak (Hy.)
2. Surender Kumar, S/o Sh. Ratan Singh
H.No.289, C Block, Gali 13, Prem Nagar
Najafgarh, Delhi.
3. Rajbir Singh, S/o Late Sh. Ran Singh
S-3/114, Swarn Park Extn., Mundka, Delhi.
4. Umed Singh, S/o Sh. Phool Singh
D-36, Harsh Dev Park, Budh Vihar, II Delhi.

...Applicants

(By Advocate Sh. Deepak Verma)

V E R S U S

Union of India through

1. The Secretary, Deptt. of Expenditure,
Ministry of Finance, North Block, New Delhi.
2. The Secretary, Ministry of Defence
South Block, New Delhi.
3. Dte. Genl. Ordnance Service (OS-8C)
Master Genl. Of Ordnance Branch
Army Headquarter, DHQ, P.O., New Delhi.
4. Commandant, Ordnance Depot,
Shakurbasti, Delhi - 56.

(By Advocate Mrs. Promila Safaya)

ORDER (ORAL)

By Sh. Shanker Raju,

We have heard both the learned counsel for the parties

2. Claim of the applicants who are Leather Stitchers is for grant of scale of Rs.5000-8000/- as Chargeman-II as first financial upgradation w.e.f. 9-8-99 or on completion of 12 years of service which ever is later.

(X)

3. On representation, the request of the applicants was turned down vide order dated 16-2-2004. This order has been assailed.

4. Ld. counsel for the applicants while drawing our attention contends that the pay scale of Rs.5000-8000/- is the next scale and should be operated for the purpose of upgradation under ACP.

5. Bench of this Tribunal at Chandigarh has dealt with a similar matter in OA 1286/JK/2001 decided on 10-10-2002 in the case of Roopa Singh & Ors. A Writ Petition has been filed before the High Court at Chandigarh, in which, no stay has been granted. While refusing the claim of the applicant in para 5 of the impugned order, it is stipulated that as the decision of the Chandigarh Bench has been challenged by the Govt. in the High Court, benefit of the same cannot be extended to the applicants. Ld. counsel of the applicants has produced the order dated 19-1-2004 where the respondents had implemented the decision of the Chandigarh Bench.

6. Though it is subject to the outcome of the CWP, we find that the issue raised is in all four covered by the decision of the Chandigarh Bench and the applicants are similarly circumstanced.

7. In this view of the matter, keeping in view the decision of the Constitution Bench of the Apex court in **K.C.Sharma v. UOI & Ors.** (1998 (1) SLJ SC 54), this benefit cannot be deprived to the applicants. Accordingly, for the reasons recorded above, OA is allowed. Impugned order is set aside. Respondents are 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. This should be done subject to the CWP pending against the decision of the Chandigarh Bench and be implemented within a period of three months from the date of receipt of a copy of this order.



(Sarveshwar Jha)
Member (A)



(Shanker Raju)
Member (J)

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