

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

16

O.A. NO. 1056/1992

New Delhi, this the 7/12 December, 1997.

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI S. P. BISWAS, MEMBER (A)

1. Shri D. N. Yadav S/O
Shri Bharthari Yadav,
R/O T2/5, MES Quarters,
Nicholson Range,
Delhi Cantt-110010.
2. B. K. Dubey
3. P.C. Sehgal
4. G.C. Gupta
5. D.N.S. Rathore
6. Pancham Lal
7. P.N. Jha
8. S.C. Srivastava
9. J.S. Azad
10. Jai Prakash
11. Jameel Ahmed
12. C.P. Sahu
13. Ram Prakash
14. Ram Nayan
15. S.P. Pandey
16. A.K. Rai
17. Ram Dheeraj
18. P.N. Joshi
19. J.S. Sharma
20. Satya Prakash
21. R.N. Mishra
22. Tayyal Ali
23. Inder Raj
24. Vinod Kumar
25. Ratri Ram
26. Jeet Singh
27. Balwender Singh
28. S.N. Puri
29. Rajender Singh Bawa
30. Vinod Kumar Goel
31. Sukhdeep Singh
32. Gaje Singh
33. Prithvi Singh

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34. Om Prakash ... APPLICANTS
(BY ADVOCATE SHRI R.K. KAMAL)

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Vs.

1. Union of India
through the Secretary,
Ministry of Defence,
South Block, NEW DELHI-11.
2. Engineer-in-Chief,
AHQ, Kashmir House,
New Delhi-11. .. RESPONDENTS

(NONE FOR THE RESPONDENTS)

ORDER

JUSTICE K.M. AGARWAL:

By this application under Section 19 of the Administrative Tribunals Act, 1985, the applicants have made a prayer for directing the respondents to give them the old pay scale of Rs.330-480 (corresponding to revised scale of Rs.1200-1800) against 85% posts of S.B.A./Electricians with effect from October, 1985.

2. The applicants hold the post of Switch Board Attendants (Electricians), (in short, 'SBA'). It is alleged that the feeder category for the post of S.B.A./Electricians and Refrigeration Mechanics, is Motor Pump Attendants, (in short, 'MPA'). The Refrigeration Mechanics had filed O.A. No.315/87 decided on 30.7.1991, Annexure A-1, wherein following direction was given:

"The Tribunal directs that the case of the applicants should be considered by the respondents within three months for revision

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of pay scales and for payment of arrears as due."

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Accordingly by filing the aforesaid O.A., the applicants also made a prayer for similar relief.

3. The learned counsel for the applicants submitted that pursuant to the directions made by the Tribunal in O.A. No.315/87 decided on 30.7.1991, the respondents considered the case of Refrigeration Mechanics for revision of pay scales and for payment of arrears, if due. By order dated 18.5.1992, Annexure R-VII, the case of Refrigeration Mechanics was considered for the said purpose and rejected by the respondents. Under these circumstances, the learned counsel submitted that virtually this application has become infructuous but direction be given to the respondents in terms of the direction made earlier by the Tribunal in O.A. No.315/87 and thereafter to the respondents to consider and decide the same as was done in the case of the Refrigeration Mechanics so that if they consider it necessary, the applicants may subsequently pursue such other remedy as may be available to them under law.

4. In the facts and circumstances of the case, we would ordinarily have made a similar direction in favour of the applicants in the present case as was made by the Tribunal in O.A. No.315/87 and directed the respondents to consider their case also for revision of pay scales and for payment of arrears etc. However, as similar claim of Refrigeration Mechanics was rejected by the respondents by their letter No.90237/2206/EIC(3)/274-LC/b(Civ.I) dated 18.5.1992, *For* Annexure R-VII, it would not be proper again to direct

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the respondents to pass similar order in/case (19)
of the applicants. The case can be disposed of by
observing that the respondents may treat that their
claim for revision of pay scale and payment of
arrears also is disposed of and rejected by the
respondents in terms of the aforesaid order dated
18.5.1992 in the case of Refrigeration Mechanics and
accordingly pursue their further remedy, if so
advised, in accordance with law.

5. Accordingly this application is hereby
disposed of in aforesaid terms. No costs.

K.M.
(K.M. AGARWAL)
CHAIRMAN

S.P.
(S.P. BISWAS)
MEMBER (A)