

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 25th day of July, 2001.

Original Application No.1275 of 1996.

CORAM :-

Hon'ble Mr. SKI Naqvi, J.M.

Hon'ble Maj Gen KK Srivastava, A.M.

1. The O.V.E. Karamchari Union through it's Secretary Sri Hira Lal Shukla for its 3 members.
  2. Sri Krishna, Ticket No.721/N.
  3. Om Prakash II " No.716/N.
  4. Ram Nath " No.720/N.
- All Cooks employed in the defence Canteen of O.C.F. Shahjahanpur. . . . .Applicants (Sri K.C. Saxena)

Versus

1. Union of India through Secretary Ministry of Defence, New Delhi.
2. General Manager, O.C.F.Shahjahanpur. (Sri Ashok Mohiley, Advocate)

. . . . . Respondents

O R D E R (O\_r\_a\_l)

By Hon'ble Mr. SKI Naqvi, J.M.

The applicants have come up seeking relief to the effect that their pay be refixed in accordance with the order of the President of India passed from time to time and according to Fundamental Rules and order of the Ministry of Defence as reflected in the order of Central Administrative Tribunal, Allahabad in OA No.694 of 1987 decided on 4-3-1993.

2. As per applicants' case, they were employed as Cook in the Canteen run by the O.C.F. Shahjahanpur under Section 46 of the Factories Act, which was taken over by the Union of India and placed under General

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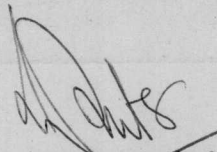
Manager Ordnance Factory. The applicants, who were formerly employees of the Canteen were declared as Government servants w.ef. 22-10-1980 but were not allowed emoluments in accordance with their entitlements as per order passed from time to time and, therefore, they have come up seeking relief through this OA. The respondents have contested the case, filed counter reply with the specific mention that the applicants are not entitled to refixation of pay as per the Govt. orders passed before their joining the service which are not applicable to applicant.

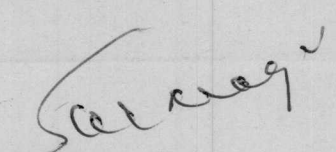
3. Heard arguments placed from either sides and perused the record.

4. The main contention from the side of the applicants is that the claim of another colleague, namely Sri Mohd. Asif was upheld by this Tribunal and as per principle of equal pay for equal work, they became entitled.

5. Keeping in view the finding in the referred order by the Tribunal, we considered the arguments placed from either side and perused the record and find that Mohd. Asif joined service on 19-1-1976 and he was five year old in service when the applicant joined on 15-1-1981 and benefit accrues to Mohd. Asif in between this period cannot be provided to the applicants retrospectively which will amount <sup>to</sup> provide benefit when they were not even on the role of the respondents.

6. For the above, the relief sought for cannot be provided. The OA is dismissed accordingly with no order as to costs.

  
Member (A)

  
Member (J)

Dube/