

CENTRAL ADMINISTRATIVEM TRIBUNAL

ALLAHABAD BENCH

THIS THE 23rd DAY OF OCTOBER, 2002

Original Application No.743 of 1997

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI, V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER (A)

1. No.460871 Pyare Lal  
S/o Late Meti Ram  
Aged about 56 years  
R/o P.135/2, R.A.Bazar, Meerut.
2. No.14208100 Harbir Singh Midha  
S/o Shri A.Dimal  
Aged about 48 years  
R/o Village & P.O.-Main Bazar  
Saketi, Tanda, Meerut Cantt.
3. No.455299 Surendra Pal Singh  
S/o Late Mukhtiyar Singh  
Aged about 46 years  
R/o 132, Natesh Purem Kankarkehre  
Meerut Cantt.
4. No.A.1035530 Sukhbeer Singh  
S/o Late Bhagtaraw Singh  
Aged about 55 years  
R/o V.P.Kalangri, Meerut.
5. No.A.6627361 Mahesh Singh  
S/o Late Mahipal Singh  
Bxt Aged about 44 years  
R/o 1-189, Shastri Nagar, Meerut.
6. No.2659727 Maharaj Singh  
S/o Sri Niranjan Singh  
Aged about 51 years  
R/o B.849, Sainik Vihar,  
Sardhana Road, Meerut.

(5)

2.

7. No. 461006 Mahabir Singh  
S/o Late Asha Ram Tyagi  
Aged about 55 years  
R/o Bangla No.13, Bank Street,  
Meerut.

8. No. 460249 Kishan Kumar  
S/o Late Bharat Singh  
Aged about 58 years  
R/o 2.7/2, A.O.T.School, Meerut.

9. No. 442979 Ram Niwas  
S/o Late Kanshi Ram  
Aged about 54 years  
R/o 186/4, Shiv Shanker Puri,  
Sharda Road, Meerut Cantt.

10. No. 306546 Shyam Singh  
S/o Late Bhakku Ram  
Aged about 53 years  
R/o Uncha Mehalla, Post-Khas  
Kasere Kehra, Meerut.

11. No. 462396 Vijai Singh  
S/o Late Ganga Saran  
Aged about 46 years  
R/o Village-Jahidpur, B  
Post-Khas, distt. Meerut.

12. No. 462175 O.M.Giri  
S/o Sri Yashwant Giri  
Aged about 37 years  
R/o Vill-Alipur Alampur,  
Post-Kila Purchat Garh  
(Khajuri) Meerut.

13. No. 462279 Sunil Kumar  
S/o Late D.P.Bhagat  
Aged about 48 years  
R/o F.21, Pandamnagar, Meerut.

(6)

3.

14. No. 661977 Om Prakash  
S/o Late Kallu Ram  
Aged about 40 years  
R/o 284, R.A.Bazar, Meerut.

15. No. 461908 Ram Murti  
S/o Late Hira Lal  
Aged about 46 years  
R/o Jamun Mehalla Kurti,  
Meerut Cantt.

16. No. A.13892004 Suresh Chand  
S/o Sri Jinda Singh  
Aged about 41 years  
R/o Village-Ram Nagar,  
Post-Durveshpur, Mawana, Meerut.

17. No. 461892 Ashok s/o Late Bhagwan Din  
Aged about 45 years  
R/o 31/B, R.Read, M.E.S.  
M.E.S. Quarters, Meerut.

18. No. 368142 Satish Chand  
S/o Late Nand Ram  
Aged about 39 years  
E/4/5, P.O.W.Camp, S.Read, Meerut Cantt.

19. No. 462394 Madhukar Thakur  
Aged about 35 years  
S/o Late Satya Deo Thakur  
R/o B.122/3, M.E.S.C colony,  
R.Read, Meerut.

20. No. 461193 Indra Singh  
S/o Late Babu Lal  
Aged about 45 years  
31/B, M.E.S.C colony,  
R.Read, Meerut Cantt.

(P)

4.

21. No. 447321 Irfan Ali

S/o Late Jafar Ali

Aged about 50 years

R/o 123/1, M.E.S. Colony,

Road, Meerut.

22. No. 461264 Nathu Singh

S/o Late Trilek Singh

Aged about 58 years

R/o Vill. Vishra, Pest-Jully,

District Almora.

23. No. 443120 Ilam Singh (Retd.)

S/o Late Mukhtiyar Singh

R/o Vill-Dabuthma, Pest-Khas,

Tehsil-Sardhana, Meerut.

24. No. 460690 Mehan Prakash

Aged about 58 years

S/o Late Nand Lal Thapar

R/o 64, Arey Nagar, Meerut Cantt.

25. No. 462268 Rai Singh

Aged about 43 years

S/o Late Genda Lal

Vill. & Pest-Bhatipura, Meerut.

26. No. 462450 Kirat Pal Singh

Aged about 53 years

R/o T.1/1, A.O.T. School,

Meerut Cantt.

27. No. 460691 RamPal Tyagi

Aged about 57 years

S/o Late Asha Ram Tyagi

R/o 13, Brak Street, Meerut Cantt.

28. No. 460693 Sehan Lal aged about 55 years

Son of Late Kalu Ram

R/o 2/1, B.M.H. Lane, Meerut Cantt.

(8)

29. 201499 Suresh Chand  
 Aged about 56 years  
 S/o Shri Babu Lal  
 R/o 112, Mehandi Mehhalla  
 Kankar Kenra, Meerut Cantt.

30. No. A.13815449 Akhtar Ali  
 Aged about 54 years  
 S/o Late Asaf Ali  
 R/o Vill. & Post-Siwal  
 District Meerut.

31. A.7038061 Tribhuwan Nath Shukla  
 Aged about 58 years  
 S/o Late B.M.Lal Shukla  
 R/o Rajban Bazar, Temple No. 2,  
 Meerut Cantt.

32. No. 460648 Dhan Singh  
 Aged about 56 years  
 S/o Lata Kala  
 R/o A.G.E.B/R(P) Muradnagar,  
 Ghaziabad.

33. No. 2220 Bharat Singh  
 Aged about 55 years  
 S/o Sri Jeet Singh  
 R/o Vill. Jangethi, Post-Pattidhar,  
 Makariya, Gakhak Distt. Tehri Garhwal.

34. No. 7030908 Kirpal Singh  
 Aged about 57 years  
 S/o Sri Mathura Singh  
 R/o Vill-Bansali, Post-Simhawli  
 District Ghaziabad.

35. No. 6613866 Rajinder Sharma  
 Aged about 54 years  
 S/o Sri Mam Raj Sharma  
 R/o Vill. Udepur, Post-Kuchsar  
 District - Ghaziabad.

(9)

6.

36. No. 4481 Shyam Lal  
Aged about 54 years  
S/o Sri Kirpa Ram  
R/o Vill-Panchi,  
Post-Janawa, Distt. Meerut.

...Applicants

V e r s u s

1. Union of India,

Through Secretary  
Ministry of Defence,  
Government of India  
South Block, New Delhi.

2. Engineer-in-Chief

ENC Branch, Army Headquarter  
Kashmiri House, Raja Ji Marg,  
NEW DELHI -110011.

3. Chief Engineer

Headquarters, Central Command, Lucknow.

4. Garrison Engineer(P)  
Meerut Cantt.

...

...Respondents

Along with Original Application No. 226 of 1997

...p7

(16)

1. Prem Singh aged about 46 years,  
G.E M.E.S. Dehradun,  
son of Late Sri Budh Singh r/o

55/ 3, MES New Colony Patia P/House  
Garhi Cantt, Dehradun.

2. Sri Nand Kisshore aged about 50 years  
son of Late Shri Ram Lal r/o Village  
Nogaon P.O. Mandu wala, Dehradun at present  
posted at G.E MES, Dehradun.

3. Bahadur Singh aged about 53 years  
son of Late Sri Karan Singh r/o Village  
Kanwal P.O. Kanwali General Mahadev Singh  
Road, Dehradun at present posted at  
GE(P)MES Clement Town.

4. Mani Ram aged about 49 years  
son of Late Sri Daya Ram r/o 38/1  
Park Road Gandhi Gram Dehra dun  
at present posted at GE MES Dehradun

(11)

- 9 -

5. Shri Puran Singh, aged about 49 years,  
Son of Late Sri Thelo Singh, r/o  
62/2 MES Colony, Mall Road, P.O. Garhi  
cantt, Dehradun, at present posted at  
GE, MES, Dehradun.
6. Surendra Singh Rawat, aged about 45 years,  
S/o Sri Kalyan Singh, r/o Village Kargi  
Bhatta, P.o.Banjarwala, Distt. Dehradun.
7. Inder Lal, aged about 55 years,  
son of Late Sri Pancham Ram, r/o  
T/118/1, Talwar Line, P.O. Garhi Cantt,  
Dehradun, at present posted at GE,  
CWO No.I, Dehradun.
8. Kale Thapa, aged about 54 years,  
son of Sri J.S.Thapa, r/o  
Wing No.1, BK 1214 Prem Nager, Dehradun,  
at present posted at GE.MES, Dehradun.
9. Puran Singh ,aged about 49 years,  
son of Late Sri Mani Ram, r/o  
1/9, Indira Colony, Chukhuwala-Nai  
Pasti, Dehradun, at present posted at  
CWE No.2, Dehradun.
10. Bhagat Bahadur Rai, about 47 years,  
son of Late Sri Ratan Jang Rai ,r/o  
Vill. Kavla Garh, P.O. Kavla Garh,  
Dehradun, at present posted at CWE NO.2,  
Dehradun.

(12)

-10-

-8-

11. Narendra Pal aged about 39 years,  
son of Shri Padam Singh r/o Vill  
Simlesh Grant P.o. Doiwala DehraDun,  
at present posted at G E(1) MES C/Town

12. Manohar Prashad aged about 35 years  
son of Late Shri Mangal Ram, r/o B.1/3  
New Type II OFD State Raipur DehraDun,  
at present posted at FE(1) MES R&D D.Dun

13. Gabar Singh Negi aged about 54 years  
son of Shri Narayan Singh Negi, r/o  
34/4 Hathi Barkula DehraDun, at present  
posted at GE(P) MES D.Dun.

14. Gajendra Singh Karki aged about 55  
years son of Shri B.B. Karki, r/o  
Vill Kiddu wala P.o. Ranjha wala(Raipur)  
DehraDun, at present posted at GE(P) MES  
D.Dun.

15. Daya Ram aged about 35 years son of  
Late Shri Heera Lal r/o 55 Ambedkar MargII  
P.O. Karan Pur, D.L. Road DehraDun, at present  
posted at GE(1) MES R&D D.Dun

16. Dinesh Chand aged about 33 years son of  
Shri Dhani Ram r/o Vigyan Bihar IRDE Colony  
No A-/3/1 Raipur Dehra Dun at present posted  
at GE(1) MES R&D Dehra Dun.

(13)

- 11 -

17. Mangal Singh Thapa aged about 56 years,  
son of Late Shri Bahadur Thapa, r/o Vill  
GaGajia wala P.o. Ghangara Dehra Dun, at  
present posted at GE MES D.Dun.

18. Arjun Singh aged about 47 years,  
son of Shri Chhote Lal, r/o 170 Garhi  
Cantt P.O. Garhi Cantt Dehra Dun,  
at present GE MES D.Dun.

19. Bhagwan Singh aged about 48 years  
son of Shri Teg Singh ,r/o Vill Talla  
Nagal P.o. Kulhan Gaon Dehra Dun  
at present posted at GE(1) MES D.Dun

20. Bhawani Shankar aged about 39 years  
son of Late Shri Chhagan Lal, r/o  
Shop No 90 Prem Nagar P.o. Prem Nagar Dehra Dun  
at present posted at GE MES D.Dun

21. Kartik Singh aged about 49 years  
son of Shri Chaman Singh r/o Vill Vijai  
Nagar P.o. Adhoi wola Dehra Dun at present  
posted at GE(P) MES C/Town

22. Rajendra Prashad aged about 35 years  
son of Late Shri Kali Ram r/o B-1/12  
New Type II OFD Estate Raipur DehraDun  
at present posted at GE(1) MES R&D  
D.Dun

23. Sasi Dhra Birthwal aged about  
46 years son of Shri Brij Mohan  
r/o MES colony Clement Town DehraDun  
at present posted at GE(P) MES C/Town

24. Dhiren Birlama aged about 43 years  
son of Late Shri S.Bhadur Lama r/o  
Vill Anarwala P.O. Anarwala DehraDun  
at present posted at VWE No 1 D.Dun

25. Ram Singh aged about 55 years  
son of Late Shri Ganga Singh, r/o  
Vigyan Bihar IRDE Colony 18/4 -Raipur  
DehraDun at present posted at GE(1)  
MES R&D D.Dun

26. Bhagwati Prashad aged about 35  
years son of Late Shri Kali Ram Navdiyal  
r/o 1/2 Baniya Bazar (Near S. Centre)  
P.O. Garhi Cantt.D.Dun at present posted  
at GEMES D.Dun

(15)

-13-

27. Shiva Nand aged about 43 years  
son of Shri Gobind Ram, r/o  
163/1 Nav Bihar Colony Chukhuwala  
DehraDun, at present posted at  
WE NoI D.Dun.

28. Bihari Lal aged about 48 years  
son of Shri Babu Ram , r/o Vill  
Rajpura Mafi P.O. Mudiya Ahmad Nagar  
Bareilly, at present posted at  
GE(P) MES D, Dun

29. Kunwar Singh aged about 53 years  
son of Shri Teg Singh r/o Vill Talla  
Nagal P.O. Kulhan gaon DehraDun  
at present posted at GE MES Roorkee,

30. Sumer Chand aged about 41 years,  
son of Late Shri Ram Sukh r/o Vill  
Kanwali P.O. Kanwali at present posted at  
GE MES Premanagar Dehra Dun.

31. Ranjit Singh aged about 32 years  
son of Shri Tirlochan Singh r/o 8/6  
Special wing Prem Nagar Dehra Dun  
at present posted at GE(P) MES D.Dun

(16)

-14-

32. Kanhya Lal aged about 56 years  
son of Shri Rati Ram r/o Vill  
Moharon Wala P.O. Clement Town Dehradun  
at present posted at GE MES D.Dun

33. Baldev Singh aged about 51 years  
son of Shri Hukam Chand r/o Vill  
Harbert Pur Dehra Dun, at present  
posted at CWE No 2 D.Dun

34. Dukhi Ram aged about 46 years  
son of Shri Jamna Prashad r/o Lal  
Bahadur Shastri Nagar P.O. Seema Dwar  
Dehra Dun, at present posted at  
AGE (1) Chakrata

35. Raj Pal Verma aged about 54 years  
son of Late Shri Heera Lal Verma r/o  
House No 265 Fase II Pandit Wari-Prem  
Nagar DehraDun at present posted at  
AGE (1) Chakrata

36. Sant Ram aged about 40 years  
son of Shri Kishan Lal r/o 1/116 New  
basti Chukhu wala Indira Colony, DehraDun  
at present posted at VWE No.2 D.Dun

37. Ratan Lal aged about 42 years  
son of Shri Amar Nath r/o Vill Nirbalpali  
P.O. Satwari Jammu, at present posted  
at GEPP) MES C/Town

17

-15-

2

38. Honshiyar Chand aged about 50 years  
son of Late Shri Dalip Chand r/o  
Vill Bhagwan Pur P.O. Raja wala DehraDun  
at present posted GE MES Premnagar  
Dehra Dun.

39. OM Prakash aged about 34 years  
son of Late Shri Raghubar Dutt, r/o  
10 Pump House I.M. A. Prem Nagar  
DehraDun at present posted at GE MES  
Premnagar D.Dun.

40. Dhiraj Singh aged about 55 years  
son of Late Shri Inder Singh r/o  
C.R. Camp Prem Nagar. Dehra Dun,  
at present posted at GE MESPremenagar  
D.Dun.

41. Bharave Dutt aged about 56 years  
son of Jatru Prashad r/o Vill Mathura  
Wala P.O. Mathurawala Dehradun, at  
present posted at GE(P) MES C/Town

42. Raj Kumar Pasi aged about 38 years  
son of Shri Phool Chand r/o Vill Pitambar  
Pur P.O. PremNagar DehraDun at present  
posted at GE(P) MES C/Town D.Dun

✓

(18)

- 16 -

- 17 -

43. Man Singh aged about 54 years,  
son of Late Shri Lal Singh, r/o Vill Baro Wala  
P.O. Arkedia grant Dehra Dun, at present  
posted at GE(P) MES C/Town D.Dun.

44. Salvender Kumar aged about 44  
son of Late Shri Faqir Chand, r/o  
MES Colony Raiwala Dehra Dun, at present  
at AGE (1) Raiwala.

45. Surender Dutt aged about 58 years,  
son of Late Shri Sada Nand, r/o T/118/2  
Talwar Line P.O. Garhi Cantt D.Dun, at  
present posted at CWE No I D.Dun.

46. Mahinder Singh aged about 55 years  
son of Balbir Singh, r/o 487C Garhi Cantt  
P.O. Garhi Cantt DehraDun, at present at  
posted at S.H.O. (L) D.Dun Cantt.

47. Raj Kumar Verma aged about 39 years  
son of Shri B.K. Verma r/o 482/5 New MES Colony  
Roorkee Cantt at present posted at GE MES  
Roorkee.

48. Ratan Lal aged about 52 years son of  
Late Shri Brij Lal Bahrguna r/o Vill Honshyari  
Mandir Prateel Nagar P.O. Raiwala DehraDun  
at present posted at AGE(1) MES Raiwala

(19)

- 10 -

49. Mool Chand aged about 58 years,  
MES No.446432, MT Driver Grade-I,  
son of shri Mangal Ram, resident of  
161/1, Chukhu wala, District, Dehradun.

50. P.B.Thapa, aged about 56 years,  
MT NO.1301, Civilian Driver,  
son of Shri Hark Bahadur Thapa,  
resident of Village-Ghuchhu Pani  
Post -Anarwala, District-Dehradun,  
At present posted-IMA. Dehradun.

51. Tej Ram Bhadri, aged about 32  
years, MES No.508474, s/o  
Shri Uma Datt Bhadri, r/o Village  
Pratit Nager, Dhandi, P.O. Raiwala,  
Dehradun.

.....Applicants.

Versus

1. Union of India, through Secretary,  
Ministry of Defence, Government of India,  
South Block, New Delhi.
2. Engineer-in- Chief,  
BNC.Branch, Army Headquater,  
Kashmiri House, Raja ji Marg,  
New Delhi- 110011.
3. Chief Engineer, Headquater, Central  
command, Lucknow.
4. Garrison Engineer,  
(West), Dehradun.

(20)

- 18 -

Applicants in both the cases are serving as motor drivers Gr.-I and Gr-II in MES department. By means of these applications u/s 19 of A.T.Act 1985 they have prayed for a direction to the respondents to grant higher pay scales in view of the circular letter dated 11.11.1988 filed as (Annexure 1 to the OA). They have also prayed for other consequential benefits.

Counter and rejoinder affidavits have been exchanged. During pendency of this OA, respondents filed an application No.3464/99 and prayed that applicants have been granted relief by the department and these OAs have been rendered infructuous and may be dismissed as such. In support of the application affidavit has been filed. The relevant orders passed on 7.4.1999 and 17.4.1999 and the panel for time scale promotion for civ. motor drivers Gr.I in the pay scale of Rs 4500-125-7000 and panel for time scale promotion for civ. motor drivers Gr.II in the pay scale of Rs 4000-100-6000 have also been filed. On this application applicant was given time to file objection. Counter affidavit has been filed by the respondents. In paragraph 5 whereof it has been stated that by order dated 17.4.1999 applicants have been given upgradation of pay scale of civ. motor drivers w.e.f. 1.1.1996, whereas the applicants have claimed that they are entitled for upgradation of the scale w.e.f. the date of appointments. The basis of this claim is the circular dated 11.11.1988.

We have perused the orders filed by the respondents, however we do not find that circular dated 11.11.1988 was taken into consideration. The applicant's contention in this regard, it appears, has been left unconsidered.

6  
:: 19 ::

(21)

In the facts and circumstances, in our opinion, the ends of justice will be served if these applications are disposed of finally with a direction to the respondent no.2 to consider the claim of the applicants in the light of the circular dated 11.11.1988.

Both the OAs are accordingly disposed of finally with the direction to the respondent no.2 to consider the claim of the applicants in the light of the circular dated 11.11.1988 and pass a fresh detailed and reasoned order within a period of four months from the date a copy of this order is filed. There will be no order as to costs.