


CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 26th day of September, 2003.

QUORUM : HON. MR. JUSTICE R.R.K. TRIVEDI, V.C.
HON. MR. D. R. TIWARI, A.M.

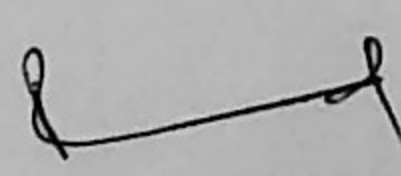
O.A. No. 632 of 1998

1. J.C. Bajpai S/O Shri S.C. Bajpai, GT/T 264, Amapur Estate, Kanpur (T.No.52 C.T.R.).
 2. Mahesh Prasad S/O Late Kashi Prasad, 143/7, Babu Purwa Colony, Kanpur (T.No.144 C.E.R.).
 3. Gopal Chandra Dey S/O Late S.K. Dey, 422 'B' Block, Panki, Kanpur (T.No. 199 G.B.).
 4. Santosh Kumar Rohtagi S/O Late B.N. Rohtagi, 353/NT-II, Amapur Estate, Kanpur (T.No.60 NAPB).
 5. Yogendra Kumar Dwivedi S/O Late G.S. Dwivedi, 88/3, Vijai Nagar, Kanpur (T.No.118 G.C.).
 6. Amar Singh S/O Shri Jaswant Singh, 124/344 Block 'A', Govind Nagar, Kanpur (T.No.119 G.C.).
 7. Satish Chandra Tiwari S/O Shri Ram Bhawan, 173 E.W.S. Awas Vikas Colony, Panki, Kanpur (T.No.120 G.C.)
 8. Raghubir Pal S/O Shri Mangal Pal, 86/12, Vijai Nagar, Kanpur (T.No.85 Gun III).
 9. K.K. Sharma S/O Late Suraj Prasad Sharma, 223/6, Shastri Nagar, Kanpur (T.No.86 Gun III).
 10. Satya Narain Shaw S/O Late Bal Deo, 125/8, Vijai Nagar, Kanpur (T.No.17 CTR).
 11. Raj Pal Sharma S/O Munshi Lal Sharma, 15/10, Charan Singh Colony, Govind Nagar, Kanpur (T.No.53 CTR).
 12. Ganga Prasad Dixit S/O Shiv Kumar Dixit, 988/W.I. Saket Nagar, Kanpur (T.No.114 CTR).
 13. Satya Ranjan Das S/O S.C. Das, 91/447, Amapur Estate, Kanpur (T.No.159 CTR).
 14. Shiv Ji Singh S/O Late Ram Raj Singh, 86/5, Vijai Nagar, Kanpur (T.No.162 CTR).
 15. Ganga Sagar Tiwari S/O Late Vishwanath Tiwari, 113/300, Swaroop Nagar, Kanpur (T.No.121 CTR).
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16. Ram Swaroop Singh, S/o Deo Nath Singh, 13/3 Juhi Lal Colony, Kanpur (T.No.123/CTR).
17. Rajendra Prasad, S/o Shri Shiv Nath Singh, 260/6 Juhi Lal Colony, Kanpur (T.No.341/MM)
18. Kedar Nath Verma, S/o Late Raghunath Prasad, 77/A/2 Vijai Nagar Colony, Kanpur (T.No.496 Bomb Shop).
19. Raj Kumar, son of Devi Deen, 69E/Dabauli I, Kanpur (T.No.287/CTR).
20. Surendra Shankar Dixit, s/oShri G.S.Dixit, 119/327 Ram Nagar Darshan Purwa, Kanpur (T.No.16/C.B.).
21. Anand Swaroop Dwivedi, s/o Shri B.L.Dwivedi, GI/220 Armapur Estate, Kanpur (T.No.184/G.C.).
22. S.K.Sutradhar, s/o Late H.N.Sutradhar, 139/N.T.II/Arampur Estate, Kanpur (T.No.196/G.C.).
23. Jitendra Singh, s/o Shri Trilok Singh, 124/A-299 Govind Nagar, Kanpur (T.No.76/Gun III).
24. N.K.Ahuja, s/oShri Ram Lal Ahuja, 356 N-2 Road Harjinder Nagar, Kanpur,(T.No.76/Gun III).
25. Raj Kumar, s/o Shri Mangha Ram, 106/126 Gandhi Nagar, Kanpur (T.No.79/Gun III).
26. H.L. Bhatia s/o Shri Ram Chandra Bhatia, 119/273 Darshan Purwa, Kanpur (T.No.80/Gun III).
27. T.P.Mitra s/o Late Kali Prasad Mitra, G.I.T./130, Armapur Estate Kanpur (T.No. 83 Gun III).
28. Deena Nath Chug, S/o Late G.R.Chug, 451/2 Shastri Nagar, Kanpur (T.No.114/GC).
29. Ram Murti Pandey, s/o Late Sarju Prasad Pandey, GI/391 Armapur Estate, Kanpur (T.No.207/CTR).
30. Ram Nath Arora, s/o Late K shan Chand, House No. 118/360 Kaushal Puri, Gumti No.5, Kanpur (T.No.30/CTR).

..Applicants.

Counsel for the Applicant : Shri P.Saxena

 Versus

- 1- Chairman, Ordnance Factory Board, 10-A, Auckland Road, Calcutta - 700 001.
- 2- General Manager, Ordnance Factory, Kalpi Road Kanpur.
- 3- Union of India through Secretary, Ministry of Defence, New Delhi.

...Respondents.

Counsel for the Respondents :- Shri Amit Sthalekar

O R D E R (O R A L)

By Hon. Mr. Justice R.R.K. Trivedi, Vice-Chairman

By this O.A. filed under section 19 of A.T. Act, 1985, applicants have challenged the various factory orders dated 30.5.98 by which merger of the pay scales was directed in view of the policy decision taken by the Central Government.

2. The facts of the case are that the applicants are Grinders of different grades working in the Ordnance Factory, Kanpur. They prayed for the similar benefits as were given to other grinders of sister units by order dated 7.12.88 in compliance of the order of Calcutta Bench of the Tribunal dated 30.10.87. Learned counsel for applicant has submitted that a review application was filed before the Calcutta Bench of this Tribunal as Review Application No.74/91 and the order dated 30.10.87 was reviewed. After review, following order was passed.

".....Under the circumstances and in over all consideration of the relevant facts, it appears that there was error apparent in the impugned 1987 judgment which quashed various Govt. orders and to the extent already explained above. The review petition, after considering the relevant facts/issues on merits, therefore, succeeds. The finding in the impugned judgment dated



31.10.87 are hereby recalled. The T.A. No.1361/86 and T.A. No.1248/86 are, therefore, failed and are dismissed. There will be no order as to costs."

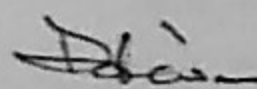
3. Against the aforesaid order dated 6.1.1997 passed in review application, SLP was filed before Hon'ble Supreme Court. The SLP was dismissed and the respondents were given liberty to seek redressal of their grievance from the Tribunal. In pursuance of the order dated 6.1.97 passed by Calcutta Bench of this Tribunal in review applicant, the Govt. of India, Ministry of Defence passed the order dated 27.1.1998. The order dated 27.1.1998 is being reproduced below :-


".....In this connection it is stated that the LAW is very much well settled as far as the recovery of financial benefits is concerned. Therefore, it has been decided that no recovery of Monetary benefits paid to the employees while implementing the Court judgment dt. 30.10.87 will be made. Only seniority and revision of pay in grade (whenever necessary) be revised and a compliance report be forwarded to OFB)."

4. From the aforesaid order it is clear that the Govt. of India direct-ed that the financial benefits paid to the employees will not be recovered. Only seniority and revision of pay in grade wherever necessary are to be revised. After the dismissal of SLP, the order passed in review application has become final.

5. In our opinion, the dispute raised by this O.A. now stand settled by judgment of the Calcutta Bench dated 6.1.97 and confirmed by Hon'ble Supreme Court in SLP on 20.10.97. No further order is required in this O.A. The respondents may proceed according to direction given by Govt. of India contained in order dated 27.1.98. The O.A. is disposed of accordingly.

There will be no order as to costs.


A.M.


V.C.