

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT NAINITAL

NAINITAL this the 22nd day of April, 2003.

original Application No. 826 of 1998.

HON'BLE MAJ.GEN.K.K.SRIVASTAVA, MEMBER-A.

HON'BLE MRS.MEERA CHHIBBER, MEMBER-J.

1. Shri J.S.Bali s/o Late Shri B.S.Bali r/o 21, Spl.Wing.Prem Nagar, DAV Inter College Road, Dehra Dun.
2. Shri S.N.Dabral s/o Late Shri R.P.Dabral r/o 4/58, Hospital Road, Vikas Nagar, Dehra Dun.
3. Shri H.C.Purohit s/o Late Shri F.C.Purohit r/o 49, Panditwari, Dehra Dun.

.....Applicants.

Counsel for the applicants:- Sri K.C.Sinha.

V E R S U S

1. Union of India represented through The Secretary to the Government of India, Ministry of Defence, DHQ P.O. New Delhi. 110 011.
2. The Chief of Army Staff, Army Headquarters, DHQ P.O. New Delhi - 110 0011.
3. The Commandant, Indian Military Academy, Dehra Dun.

.....Respondents.

Counsel for the Respondents:- Km.S.Srivastava.

O R D E R

MRS. MEERA CHHIBBER, MEMBER(J)

This O.A. has been filed by three persons claiming the following relief(s):

- (i) An order or direction to the respondents to revise

the pay-scales of Asstt. Artist (Artist Gr.II in IMA) from 330-480 to Rs.425-700 w.e.f. 13.5.1982 and subsequently to Rs.1400-2300/4500-7000 w.e.f. 1.1.1986 and 1.1.96 respectively.

(ii) An order or direction to the respondents to revise the pay-scale of Artist (Artist Gr.I in IMA) from 330-560 to Rs.550-900 w.e.f. 13.5.1982 and subsequently to Rs.1600-2660/-/5000-8000 w.e.f. 1.1.1986/1.1.1996 respectively.

(iii) An order or direction to the respondents to pay to the applicants arrears as a result of reliefs (i) and (ii), above within a reasonable period to be fixed by this Hon'ble Tribunal.

(iv) -----.

(v) -----."

2. The short grievance of the applicants in this case is that after the scale of pay of Draughtsmen Gr.I, II & III were revised pursuant to the award of Board of Arbitration in the case of Central Public Works Department, the ~~net~~ result was that the scale of feeder cadre became more than the promotional post. As a result of which, being aggrieved the applicants gave their representations to the authorities pointing-out the anomaly as a result of revision of the pay-scales of Draftsman Gr.I, II & III (page 34). In the representations, the applicants had submitted that even-though the pay-scales of Draughtsmen have been revised to higher scale, but the scale of Asstt. Artist and Artist which were the next promotional post from the feeder cadre of Draughtsman were totally ignored. For example - He had submitted that he was promoted ^{from B} ~~to~~ Draughtsman to Asstt. Artist w.e.f. 1.4.1980, but had he ~~been~~ remained Asstt. Artist till 30.5.1983 ~~and~~ his pay would have been fixed in the pay-scale of Rs.330-560/- notionally w.e.f. 30.5.83 and actually w.e.f. 1.11.1983, but as the Asstt. Artist, he was in the pay-scale of Rs.330-480, which would be lesser than ~~to~~ the feeder cadre post. Thus, he had submitted that this case needs to be examined and appropriate orders to be passed on the same. Annexure A-7 to A-9 are the representations given by all three applicants.

3. The respondents vide their letter dated 23.6.98 informed J.S. Bali - applicant no.1 that the case regarding interpretation of pay-scales of Artist of IMA have been referred to the Ministry of Defence for finalisation. The Ministry of Defence had intimated that anomalies will be taken up only after the constitution of Anomalies Committee.

4. It is submitted by the applicants' counsel that thereafter neither any order was passed by the respondents, nor they were intimated as to what ~~had~~ happened pursuant to the said letter. They were not even aware whether the matter was placed before the Anomalies Committee and if so, what was the ultimate decision taken by the Anomalies Committee. Therefore, applicants' counsel fairly submitted that since the latest development was not known to either side, it would be in the interest of justice to dispose off this case by giving a direction to the respondents that yet incase the matter has not/ been placed before the Anomalies Committee, the same may be done within a stipulated period of time and incase the matter has been placed before the Anomalies Committee, ~~that~~ decision ~~thereof~~ may be communicated to the applicants.

5. The counsel for the respondents was also not in a position to tell us as to what ~~has~~ happened after the letter dated 23.6.98 issued by the respondents and addressed to the applicants (page 19). The respondents' counsel submitted that these pay scales were made applicable to the Ministry of Defence only by letter dated 15.9.95 (page 30), therefore, it would not have affected the applicants.

6. We have heard both the counsel and perused the pleadings as well.

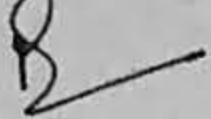
7. It is seen in para 4.9 of the O.A., applicants have specifically stated that the above mentioned revised pay-scales of Draughtsman Gr.I, II & III were made applicable in all Government of India offices/Departments subject

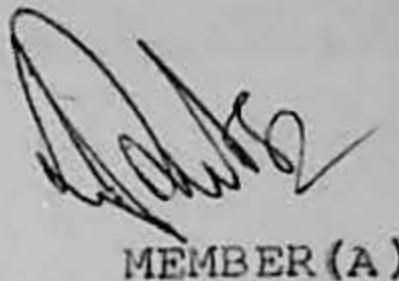
in a particular grade. They have further stated in para 4.10. of the O.A. that the benefit of revision of pay-scales of Draughtsmen Gr. I, II & III was given w.e.f. 13.5.82 notionally and actually w.e.f. 1.11.1983. In para 4.11. they have stated that when the scales of pay of Draughtsmen Gr.I,II & III were revised on the basis of Arbitration Award in the case of CPWD, there has been no revision of pay-scales of Asstt. Artists in IMA, Dehradun. In the Counter affidavit, the respondents have stated that the contents of paras 4.9 & 4.10 are ~~the~~ matter of record. Even otherwise, perusal of the letter dated 15.9.95 also shows that the benefit of revision of pay-scales would be given w.e.f. 13.5.1982 notionally and actually from 1.11.1983 in respect of Draughtsman who fulfilled the requirement relating to the period of service mentioned in clause (1) above before 13.5.1982. In any case, the respondents have themselves recommended the case of the applicants for being re-examined for upgradation of the pay-scale vide their letter dated 9.4.96 at page 44 and the applicants were informed vide letter dated 23.6.98 that anomaly will be taken up only after constitution of the Anomalies Committee, it is clear that the respondents were also satisfied that there were ~~certain~~ indeed anomaly which required to be examined. Since thereafter the latest development was not known to either side, we are disposing off this O.A. by giving a direction to the respondents as follows :

- (i) In case the matter had been placed before the Anomalies Committee, as referred to in the letter dated 23.6.98 and the matter had been examined, in that case the respondents shall intimate the out-come of the said Committee to the applicants within a period of two months from the date of receipt of copy of this order. It goes without saying that the order should be a reasoned and speaking order.

(ii) Incase the matter has not been placed before the Anomalies Committee, in that case, steps should be taken by the respondents to place the matter before the Anomalies Committee within a period of two months from the date of receipt of copy of this order and communicate the decision taken thereof to the applicants within a period of two months thereafter.

8. With the above direction, the O.A. stands disposed off without any order as to costs.


MEMBER (J)


MEMBER (A)

GIRISH/-