

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD

Original Application No. 1194 of 2001

Allahabad, this the 5th day of September'2002.

Hon'ble Mr. S. Dayal, Member (A)

Hon'ble Mr. A.K. Bhatnagar, Member (J)

1. Sh. Ashok Giri T/No.2761 E.E. Mech.
in 510 Army Base Workshop Mrt.
R/o 104, Devi Nagar, S.K. Road,
Meerut.
2. Shri Dinesh Kumar T.No. 2789 VM (AFV.)
in 510 Army Base Workshop Mrt.
R/o Gali No. 1, Om Nagar, Kanker Khera,
Meerut.
3. Shri Vikram Singh T! No. 2764, E.E. Mech.
in 510 Army Base Workshop, Mrt.
R/o 371/13, New Govind Puri, Kanker Khera,
Meerut.
4. Sh. Srichand T/No. 2798 E.E. Mech.
in 510 Army Base Workshop, Mrt.
R/o Village Nangli Azmabad Post,
Inchale, Meerut.
5. Sh. Nanak Chand T/2799 E.E. Mech.
in 510 Army Base Workshop, Mrt.,
R/o Mahavir Nagar, Main Road,
Fazalpur, Meerut.
6. Sh. Pushpendra Kumar T/2800 E.E. Mech.
in 510 Army Base Workshop,
R/o 41/53, Ajanta Colony, Garh Road,
Meerut.
7. Sh. Raj Kumar T/2801 E.E. Mech.
in 510 Army Base Workshop, Mrt.
R/o Village & Post Hasanpur,
Distt. Meerut.
8. Sh. Rakesh Kumar T/2802 E.E. Mech.
in 510 Army Base Workshop, Meerut,
R/o Gali No. 6, Sainik Nagar, Kasampur,
Meerut Cantt.

9. Sh. Tejvir Singh Tomar T/2803 E.E. Mech.
in 510 Army Base Workshop, Meerut,
R/o Shiv Lok Puri, Kanker Khera,
Meerut.
10. Sh. Ramphal Singh T/2804 E.E. Mech.
in 510 Army Base Workshop, Meerut,
R/o 510 Army Base Workshop Colony,
Sardhana Road By Pass, Meerut.
11. Sh. Bijendra Pal T/2809 E.E. Mech,
in 510 Army Base Workshop,
R/o Village & Post. H. No. 1108, Maliyana,
Meerut.
12. Sh. Ganga Ram T/2814 E.E. Mech.,
in 510 Army Base Workshop, Meerut,
R/o 1070/1, Shiv Lok Puri, Kanker Khera,
Meerut.
13. Sh. Jameal Ahmad T/2828 VM (AFV)
in 510 Army Base Workshop, Meerut.
R/o Village & Post Kayastha Bhdha,
Garh Road, Meerut.
14. Shri Ashok Kumar T/2835 E.E. Mech.
in 510 Army Base Workshop,
R/o Near Balmiki Mandir, Khekra, Baghpat.
15. Shri Ompal T/2642 E.E. Mech, in
510 Army Base Workshop, Meerut.
R/o Village & Post Chindori,
Distt. Meerut.
16. Shri Alisher T/2934 E.E. Mech.
in 510 Army Base Workshop, Meerut,
R/o Behchula Farm, Mawana Road,
Meerut.
17. Shri Rajbir T/2815 E.E. Mech., in
510 Army Base Workshop, Meerut.
R/o 510 Army Base Workshop Colony,
Sardhana Road Bye-Pass,
Meerut.

18. Shri Ram Mehar T/2784 VM (AFV)
in 510 Army Base Workshop, Meerut.
R/o Village & Post Behrampur Morna,
Distt. Meerut.
19. Shri Bhanwar Singh T/2765 E.E. Mech.
in 510 Army Base Workshop, Meerut.
R/o Gali No. 6, Sainik Nagar, Kasampur,
Distt. Meerut.
20. Shri Sudesh T/3068 VM (AFV) in
510 Army Base Workshop, Meerut,
R/o Village & Post Jatauli,
Distt. Meerut.
21. Shri Ghanshyam Singh,
T/No. 2760, VM (AFV) in 510,
Army Base Workshop, Meerut.
R/o Village, & Post Dhikoli,
Distt. Meerut.

.....Applicants

By Advocate : Shri V.P.S. Tyagi

Versus

1. Union Of India
(Through Secretary) Min. of Defence,
New Delhi.
2. Director General E.M.E. (CIV)
A.H.Q.s, D.H.Q.P.O. New Delhi.
3. Comdt. 510 Army Base Workshop,
Meerut Cantt.
4. Controller of Defence Accounts (Army)
Meerut Cantt.
5. ALAO, 510 Army Base Workshop,
Meerut Cantt.

.....Respondents

By Advocate : Shri K.R. Sachdeva

O_R_D_E_R_ (Oral)

By Hon'ble Mr. S. Dayal, A.M.


This application has been filed for setting aside the impugned order in so far as the same relates to the applicants with regard to re-fixation of their pay w.e.f 01.01.1996 with all consequential benefits.

2. The applicants are Civil Industrial Employees working in 510 Army Base Workshop, Meerut Cantt. pursuant to the recommendations of 5th Pay Commission under CCS(RP) Rules 1997, the pay of the applicants were fixed w.e.f 01.01.1996 on the basis of the scale they were drawing on 30.01.1996. The applicants had been promoted from the post of Vehicle Mechanic Grade-II in the pay scale of Rs. 1200-2040/- to the post of Vehicle Mechanic Grade-I in the pay scale of Rs.1320-2040/- and were drawing pay in the scale of Rs.1320-2040/- w.e.f 30.01.1996. Vide letter dated 27.01.1999, the audit authorities asked Commandant of 510 Army Base Workshop, Meerut Cantt to review the orders of pay fixation in all cases of promotion made between 01.01.1996 and implementation of 5th Pay Commission recommendation. In response to this letter of LAO, the pay fixation of the applicants were revised by the respondents reducing their pay. The O.A. has been filed for setting aside the order of revision of pay fixation.

3. We have heard Sri V.P.S Tyagi, learned counsel for the applicants and Sri V.V. Mishra, learned counsel for the respondents.

4. Learned counsel for the applicants has stated that the employees were entitled to the option for revised scale from a date later than 1.1.96 which was not given to the applicants. He has also claimed that no opportunity of being heard was given to the applicants before their pay scale were revised by the respondents.

5. We have heard learned counsel for the respondents who has stated that there was no provision for seeking option on promotion of the beneficiaries of 5th Pay Commission after the applicability




of revised pay scale w.e.f 1.1.96. There is no denial that the respondents had revised the pay scale of the applicants without giving them any opportunity of being heard in the counter reply filed.

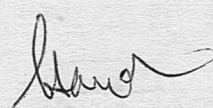
6. Since the order having Civil consequences has been passed against the applicants without affording them opportunity of being heard, the order of re-fixation of pay of the applicants dated 01.11.2000 can not be sustained.

7. Learned counsel for the applicants has stated that the respondents have not paid increments to the applicants after the O.A. was filed and an interim stay was given on the ground that the interim order did not speak about the payment of increments. Learned counsel for the applicants prays that the respondents be directed to release the increments.

8. Since we have already held that the order dated 01.11.2000 could not be sustained, we, therefore, set aside the order in so far as it relates to the applicants. The respondents shall be within their right to pass a fresh order after affording opportunity to the applicants to furnish their objections to the proposed pay fixation. The applicants shall be given pay and increments, on the basis of their pay fixation in 1997. This order shall be complied within three months time.

There shall be no order as to costs.


(Member-J)


(Member-A)

Neelam/