

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

ORIGINAL APPLICATION NO. 328 OF 2004

THIS THE 11th DAY OF MARCH, 2005.

HON'BLE MR. JUSTICE S.R. SINGH, VICE CHAIRMAN

Bulaki Lal,
S/o Sri Phullan,
P.N. 6966955, Chargeman Gr.II,
O.D. Ford, Allahabad,
R/O House No. 331, Krishna Nagar,
P.O. Kyedganj,
District Allahabad.Applicant.

By Advocate: Sri S. Mandhayan.

Versus

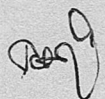
1. Union of India, through Secretary, Ministry of Defence, New Delhi.
2. Director General, Ordnance Services, Master General of Ordnance Branch, Army Headquarters, New Delhi.
3. Officer Incharge Records, Army Records, Army Ordnance Corps, Secunderabad.
- s 4. Commandant, Ordnance Depot Fort, Allahabad.

.....Respondents

By Advocate: Sri Saumitra Singh.

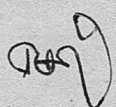
ORDER (ORAL)

Heard the learned counsel for the applicant and Sri Saumitra Singh, Senior Standing Counsel representing the respondents.



2. The applicant who retired as Chargeman Gr.I on 31.10.2004 was put in the pay-scale of Rs. 5000-8000/- (the Fifth Central Pay Commission Scale) in pursuance of the orders of the Army Headquarters. Subsequently, the Army Headquarters has issued letter dated 10.12.2003 to the effect that since restructuring of Technical Supervisory staff in the AOC had yet to be implemented, the 5th C.P.C. scale notified for these posts vide MOD notification dated 9.10.1997 would have to take prospective effect and till such time the conditions prescribed in part 'C' of the notification, Chargeman Pt. I and II cadres would get replacement scale of Rs. 4500-125-7000/-. The order dated 24.12.2003 (Annexure-2) and the order dated 19.12.2003 (Annexure-3) are the consequential orders to the same effect.

3. It has been submitted by the learned counsel appear for the applicant that the case is fully covered by the decision of Principal Bench of the Tribunal dated 20.2.2002 rendered in the case of Rajbir Singh and 56 others Vs. Union of India & Others whereby the orders directing revising downwards from Rs. 5000-8000/- to Rs. 4500-7000/- and ordering consequential recovery of the amount already paid to the applicants therein were quashed.



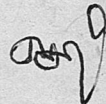
4. Sri Saumitra Singh, learned Senior Standing Counsel representing the respondents on the other hand submitted that the recommendations of the 5th Pay Commission for TSS in AOC had no doubt been accepted by the Government, but the acceptance was subject to fulfillment of specific conditions imposed by the 5th Pay Commission. It is further submitted that the 5th Pay Commission had imposed the condition of the existing posts in four cadre ratio and this condition had not been accepted by the Government as clarified by the Ministry of Defence letter dated 10.12.2003, which in fact is one of the impugned orders.

5. By order dated 31.3.2004, the Tribunal had directed the applicant to move a proper detailed representation to the authorities concerned along with a copy of the judgment of the Principal Bench referred to hereinabove. The Competent authority was directed to decide the representation. The learned counsel for the applicant submits that a detailed representation was filed, but the same was not decided.

6. Having heard the learned counsel for the parties and upon regard being had to the order dated 31.3.2004 passed by the Tribunal, I am persuaded to decide the O.A. with direction to the Director General, Ordnance Services, Master General, Army Headquarter, New Delhi

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to look into the grievance of the applicant and take appropriate decision on the representation having due regard to the decision taken by the Principal Bench in O.A. no. 2657 of 2000 in re. Rajbir & Others Vs. Union of India & Others decided on 20.2.2002. The decision shall be taken by means of a reasoned and speaking order to be passed within a period of four months from the date of receipt of copy of this order along with a copy of the representation which is said to have been filed by the applicant as well as the decision of the Principal Bench relied upon by the applicant. It goes without saying that in the event of the representation being decided in favour of the applicant, he would be entitled to refund of the amount already paid to the respondents.



VICE CHAIRMAN

GIRISH/-