

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated: This the 29th day of JULY 2005.

Original Application No. 1080 of 2004.

Hon'ble Mr. D.R. Tiwari, Member (A)
Hon'ble Mr. K.B.S. Rajan, Member (J)

Abdul Salam S/o Late Myandeen,
R/o 122 A/4 Mehdauri, P.O. Cavalary Lines,
ALLAHABAD.

.....Applicant

By Adv: Sri S. Lal

V E R S U S

1. Union of India, through Secretary,
Govt. of India,
Ministry of Defence,
NEW DELHI.
2. The Director General Ordnance Services,
Master General of Ordnance Branch,
Army Headquarters, D.H.Q.P.O.,
NEW DELHI.
3. Officer-Incharge, Records,
Army Ordnance Corps Records Office,
Trimulgherry P.O.
SECUNDERABAD.
4. Commandant, Central Ordnance Depot, Chheoki,
ALLAHABAD.
5. Area Accounts Officer,
1, Ashok Marg, New Cantt.,
ALLAHABAD.
6. C.D.A. (Pension), Draupadighat,
ALLAHABAD.

.....Respondents

By Adv: Sri S. Singh

O R D E R

By K.B.S. Rajan, JM

The applicant in this case has prayed for the

following:-



"8A. To issue a writ, order or direction in the nature of certiorari to quash the impugned orders dated 22.7.04 and 23.1.2004 passed by respondents.

B. To, issue a writ, order or direction in the nature of mandamus commanding and directing the respondents not to reduce the pay scale by getting the P.P.O. revised in r/o the applicant and recover the amounts paid on account of retrial benefits after superannuation.

C. To, issue a writ order or direction in the nature of mandamus commanding and directing the respondents to pay the arrears of pay and allowances from 1.1.96 to 30.11.2003 and leave encashment on the pay of Rs. 6200/- P.M. on account of revision of pay in the scale of Rs. 5000-8000 alongwith 18% interest including penal interest from the date of due amount to the date of actual payment.

D.

E."

2. The orders dated 22-07-2004 and 23-1-2004 referred to in para 8(a) above inter alia state as under:-

(a) Order dated 22-07-2004:

"2. The following papers are submitted herewith regarding revision of earlier award of pensionary benefits in r/o the a/n indl for your necessary action please:-

- a) S/DOCS - Complete
- b) Date Sheet - 2
- c) Calculation Sheet - 2
- d) Cert to the effect that no corr PPO has yet issued - 1.

(b) Order dated 23-01-2004:

GRANT OF REPLACEMENT SCALE TO TECH SUPERVISORY STAFF

The recommended pay scale in respect of Tech Supervisory staff will be made applicable only on restructuring into four grade structure. Till such time the existing categories of Chargeman and Foreman are placed in the following replacement scale which will be effective from 01 Jan 1996:-

[Signature]

	Category	Pre-revised Scale	Replacement Scale
a.	Chargeman Pt II Cadre	Rs. 1400-40- 1800-50-2300	Rs. 4500-125- 7000
b.	Sr.	-do-	-do-
c.	Chargeman Pt I Cadre & Sr.	-do-	-do-
d.	Foreman Part I & Part II Cadre	Rs. 1600-50- 2300-60-2660	Rs. 5000-150- 8000

Authy:- AOC (R) Part II No.
75/Prom/PSS/CA-6 dated 24 Dec 2003.

3. For the purpose of understanding the issue, the minimal facts as contained in the list of dates preferred by the applicant would suffice and the same is as under:-

<u>Date</u>	<u>Event</u>
13.11.1963	Applicant was appointed as Painter
13.06.1995	and Decorator and promoted to chargemen (Technical Supvr.) on and drawing pay in the scale of Rs. 140-2300 prior to 1.1.1996.
1.1.1996	Scale of pay to the Chargeman was given by replacing the scale of
9.10.1997	Rs. 1400-2300 (Pre-revised) to Rs. 5000-8000 with effect from 1.1.96 by G.S.R. No. 18(E) dt. 9.10.1997.
11.11.1997	Scale of pay of Rs. 5000-8000 given to the Chargeman was accepted by the Govt. from 1.1.96.
15.7.1992	Chargeman of E.M.E. Department within the Ministry of Defence was given the pay scale of Rs. 5000-8000.
21.11.1997	Respondents reduced the pay scale of Chargeman and Sr. Chargeman of C.O.D. Delhi from 5000-8000 to 4500-7000. They filed an O.A. No. 2657/2000 against the arbitrary move of the Respondents before the Principal Bench of Delhi.
25.11.1997	
19.12.2000	Interim order was granted by the Principal Bench C.A.T. Delhi restraining the Respondents from implementing the impugned order of

reducing the pay scale in OA No. 2657/2000 Rajbir Singh and others Vs. Union of India and others.

26.12.2001

Govt. of India Ministry of Defence issued orders for restructuring of the Supervisory (Technical Staff) Cadre as recommended by the V Pay Commission. However this letter was made prospective application.

20.2.2002

The O.A. No. 2657/2000 was allowed and Respondents were directed to give pay scale of Rs. 5000-8000 from 1.1.96 and stay order was made absolute by the Principal Bench at Delhi.

14.6.2002

Govt. of India Min. of Def. issued a letter revising the Scale of Supervisory Tech. Staff in four grades in the Army Ordnance Corps.

23.8.2002

Army Head quarters M.G.O's Branch issued orders for implementing of four grade structure by redesignating the Technical Supervisory Cadre by which the Chargeman was given the pay scale of Rs. 5000-8000 from 1.1.1996, it was further clarified that only the re-designation has been carryout from 14.Jan, 2002.

02.11.2002

C.O.D. Delhi complied the order of C.A.T. Principal Bench in O.A. No. 2657/2000 (Rajbir Singh and ors Vs. Union of India & Ors) and further annual increments were granted to the chargemen revising the scale of Rs. 5000-8000.

15.4.2003

22.8.2003

Applicant was also granted the pay scale or Rs. 5000-8000 from 1.1.1996. Pay fixation was made and annual increments from 1.1.96 onwards were given to him and his pay was raised to Rs. 6200/- p.m. w.e.f. 1.6.2003.

30.11.2003

11.12.2003

Applicant was superannuated and P.P.O. was issued. Retirement benefits like pension Gratuity and commutation was granted in basic pay of Rs. 6200/- p.m.

23.1.2004

Respondent No. 4 published a Daily order Part II by which pay scale of Chargeman was reduced from Rs. 5000-8000 to Rs. 4500-7000 without



any notice to the applicant violating the principles of natural justice.

JULY, 2004 While giving the cheque for leave encashment, the applicant was forced to deposit Rs. 2995/- in cash regarding excess pay drawn in the scale of Rs. 5000-8000 from Sep. 2003 to Nov. 2003.

22.7.2004 Respondent No. 4 issued a letter by which a move has been taken to get the pay of the applicant re-fixed in the scale of Rs. 4500-7000 and to revise the P.P.O., so that excess payment made in the retirement benefits she recovered from the applicant.

18.8.2004 Applicant moved application requesting the respondent No. 4 to withdraw the letter dt. 22.7.2004 and no action be taken to revise the P.P.O. by re-fixation of pay in the reduced scale. It is likely to be P.P.O. revised by the C.D.A. (funds) is likely to be reduced by the respondents without finalizing the application dated 18.8.2004, arbitrarily and illegally violating the principles of natural justice. Hence this Original Application."

4. The Principal Bench of the CAT in 2657/2000 considered the very same issue and held that the applicants therein are entitled to pay in the Revised Pay scale w.e.f. 01-01-1996. Based on the same, this Tribunal in OA No. 1145/2004 5th May, 2005 allowed the OA and granted the relief as prayed for therein. The respondents in this OA are the same as those in the present O.A.

5. The case of the applicant being identical to that of those in the above two O.As, following the aforesaid orders, this OA is allowed. The impugned

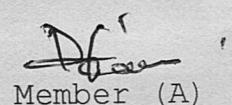


orders are quashed and set aside. The respondents are directed to afford the applicant the pay scale of Rs 5,000 - 8000 w.e.f. 01-01-1996 and the arrears of pay and allowances from the said date till the date of superannuation of the applicant be worked out and paid to the applicant within a period of four months from the date of communication of this order. Again, the respondents shall also re-work the terminal benefits on the basis of the revised pay and re-fix the pension admissible to the applicants and the arrears arising out of the same shall also be paid within the period calendared above. Due adjustment to the recovery made shall also be given while working out the arrears due and payable to the applicant.

6. The applicant is a retired person and he has been driven to move the matter to this Court to fight for the legitimate grievance. Hence, the applicant is entitled to cost also, which we quantify at Rs 2,500/- and this amount shall also be paid within the period specified in the preceding paragraph.



Member (J)



Member (A)

/pc/