

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.978 of 2005.

Allahabad, this the 5th day of June, 2007Hon'ble Mr. Justice Khem Karan, Vice-Chairman
Hon'ble Mr. P.K. Chatterji, Member-A

1. Bhola Nath Tiwari aged about 46 years, S/o Late Sant Das Tiwari, R/o 316 Buxi Khurd Daraganj Allahabad.
2. Ram Balak Thakur aged about 51 years S/o Late Ram Ashrey Thakur R/o Village Mahewa West P.O. Agriculture Institute Naini District Allahabad.

...Applicants.

(By Advocate : Shri Swayambar Lal)

Versus

1. Union of India through Defence Secretary Ministry of Defence, New Delhi 110011.
2. Director General EME (EME-Civ) Army Headquarters D.H.Q. P.O., New Delhi.
3. Commander, Headquarters Base Workshop Group Meerut Cantt.
4. Commandant & MD 508 Army Base Workshop Allahabad Fort 211005.

... Respondents.

(By Advocate : Shri S. Singh)

O R D E RBy Hon'ble Mr. Justice Khem Karan, V.C. :

The applicants have prayed for quashing the order dated 24.3.2005 (Annexure-A-1) and order dated 7.5.2005 (Annexure-A-2) and have also prayed for commanding the respondents to restore their pay at Rs.5000/- as on 1.10.2003 in the scale of Rs.4000-6000 and to further fix it in the promotional post of Master Craftsman as on 1.10.2003 in the scale of Rs.4500-7000/-. It appears from the perusal of the contents of the OA that the applicants were drawing pay of Rs.5000/- on 1.10.2003 in the pay scale of Rs.4000-6000/-. It transpires from the perusal of the impugned order dated 24.3.2005 that in terms of Ministries letter dated 20.5.2003 merging the H.S. Grade-II and H.S. Grade- I in Industrial cadre w.e.f. 1.1.1996, the promotion

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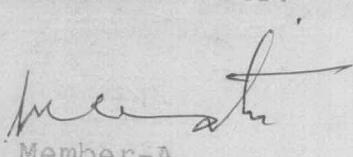
(14)

of the applicants from H.S. Grade-II to H.S. Grade-I, their fixation of pay and grant of annual increments were cancelled. The applicants are aggrieved of this cancellation and also of consequential order dated 7.5.2007 reducing ~~their~~ pay from the said stage of Rs.5000/- by two increments.

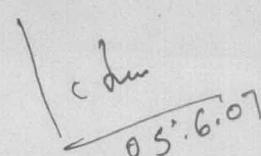
2. It transpires from the perusal of the order dated 22.3.2007 passed in OA No.630/2007 and order dated 18.5.2007 passed in OA No.979/2005 that similar orders were passed against the applicants of those cases and after considering the rival contentions of the parties, those OAs were allowed. ~~These~~ Impugned orders were quashed and directions were issued to the respondents to pay the salary to the applicants, which they were drawing prior to the merger of HS Grade-II and HS Grade-I in Industrial cadre.

3. We think no different view could be taken in the case in hand and the OA has to be disposed of on the same lines as indicated in the earlier order dated 18.5.2007 passed in OA No.979/2005. So, the OA is allowed and the impugned order dated 24.3.2007 (Annexure-A-1) and 7.5.2007 (Annexure-A-2) are quashed and the respondents are directed to re-consider the case of the applicants and ensure that their pay and allowances prior to the date of the merger of the HS Grade-I and HS Grade-II scale became effective, is protected and their pay re-fixed in the new scale w.e.f. 1.10.2003.

4. The above should be done within a period of three months from of the receipt of a certified copy of this order. No order as to costs.



Member-A



Vice-Chairman

RKM/