

Central Administrative Tribunal
Allahabad Bench, Allahabad

Original Application No.1795/94

this the 20th Day of May, 2002

HON'BLE MR. C.S. CHADHA, AM

HON'BLE MRS. MEERA CHHIBAR, JM

Ordinance Vastra Factory Karamchari Union through its General Secretary, Hera Lal Shukla and others

...Applicants

By Advocate: Sri K.C. Saxena

Versus

Union of India and two others

...Respondents

By Advocate: Sri A. Sthalkar

ORDER (ORAL)

MRS. MEERA CHHIBAR, JM

Heard both the counsel.

It is admitted by both the counsel that the present O.A. is fully covered by the judgement passed in O.A. No. 694/97 vide order dated 4.3.93.

The brief facts of the case are that the applicants were employed as Cooks in the canteen run by the OCF Shahjahanpur under section 46 of Factories Act which was taken over by the Union of India and placed under the G.M. OCF Shahjhanpur. Later on ^{all} such ~~all~~ ^{one} employees were declared Govt. servants from 22.10.80 as per M.O. D. letter dated 21.9.82 allowing them a revised grade of Rs. 200-240.

3. The grievance of the applicant is that even though they were allowed by the President of India a total increase of Rs. 154/- prt month in the old scale of pay which they were drawing before being declared as Govt. servants on 22.10.80 but the benefit of same was not given to them after they were declared Govt. servants.

4. The relief sought by the applicants in this case that their pay may be fixed in accordance with the orders of the President of India and according to the fundamental rules and according to the orders of the MOD dt.21.9.82

R

(14)

5. ^{wherein} ~~We~~ have perused the judgement given in O.A. No. 694/87 ~~and~~ after considering all the facts the Tribunal had given ~~on~~ its finding that the presidential sanction so given was not for a particular period ~~xxx~~ neither it has been shown to have been withdrawn, as such, it would be continued to be paid unless duly withdrawn in accordance with law. Therefore the Tribunal had held that any order which had been unilaterally withdrawn without any opportunity of hearing and following any procedure, cannot be ~~xxx~~ ^{held} sustained in law. As such the order of reduction was ~~said~~ to be ignored. ~~The applicants were allowed~~ The application was allowed and the applicants were held to be entitled to get scale as they were getting before the order dated 25.8.86 and the respondents ^{were} ~~are~~ further directed to fix the pay of the applicants in accordance with law. Since the present O.A. is fully covered by the said judgement, this O.A. is also allowed in terms of the order passed by this Tribunal on 4.3.93 in O.A. No. 694/87.

6. This O.A. is accordingly allowed. Cost easy.


MEMBER (J)


MEMBER (A)

~~KHEKHE~~ ALLAHABAD: DATED: 20.5.2002

HLS/-