

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 22nd DAY OF MARCH, 2001

Original Application No.909 of 1995

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.BISWAS, MEMBER(A)

1. Mangli Singh, S/o Vishwa Nath Singh
Ticket No.35/yd., r/o Tikauli
Post Barra, Tehsil Bilhira,
District Kanpur.
2. Mahipal Singh, son of Shri Ganga Singh
Ticket No.251/yd r/o village &
Post Majdauli, district Jalaun
3. Ram Harakh Singh, son of
Shri Kashi Singh, Ticket No.283/yd
R/o village Bhodu Singh Purwa,
Post office Ata district Gonda.
4. Karan Singh, son of Shri Sudarshan
Singh, Ticket No.373/yd, R/o village &
Post Ninayou, Tehsil Akbarpur
District Kanpur Dehat.
5. Ram Chandra, son of Shri Dhanpat
Ticket No.386/LT, Vill.Bhaudpur
Post office Chetan, District Mainpuri
6. Ram Autar Singh, son of Mahavir
Ticket No.296/yd, R/o Vill.Alapur
Post office Manethoo, Tehsil
Akbarpur, district Kanpur.
7. Ram Swaroop, Son of Hublal,
Ticket No.561/SDR, R/o Village
Ninewa, post Office Bharthana
District Etawah.
8. Kaledor Singh, son of Kunj Behari
Ticket No.60/LT, R/o village Gugavan
Post Jaisinghpur, Tehsil & district
Farrukhabad.
9. Barkat son of Sudli, Ticket No.67/N.B
R/o A-55, Pokharpur, Vishwa Bank, Colony
Zazmau, Kanpur.
10. Lok Bhadur Singh Thapa, son of
Takat Singh, R/o 16/83 Bhagwat
Das Ghat, Kanpur.

... Applicant

(By Adv: Shri A.K.Sachan)

Versus

1. Union of India through Secretary
Ministry of Defence, Department of
Defence Production, Govt. of India
New Delhi.

2. The General Manager.
Ordnance Equipment Factory,
Kanpur.
3. The Chief Controller of Accounts
(Factories) Ordnance Factories
Board, 10-A, Auckland Road,
Calcutta.

... Respondents

(By Adv: Ms./Sadhna Srivastava)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI, V.C

By this OA u/s 19 of A.T.Act 1985 the applicant has challenged the order dated 12.12.1994 by which the representation of the applicants claiming refixation of the salary of the post Labour 'B' has been rejected. It has been stated in the order that it is not possible to pay more than Rs196/- to the applicants. Applicants are retired Army personals. After retirement they joined in 1985 except ^{the} applicant Ram Chandra who was appointed in 1982 and Kaledor Singh and Barkat who have been appointed in 1984 in Ordnance Equipment Factory, Kanpur. The ordnance factory according to the O.Ms of 8.2.1983 and 1.5.1989 revised the pay scales of the applicants and other Military personals serving in the factory and similarly situated. On account of the refixation some recovery was also directed against the employees who were paid in excess than provided in the O.Ms mentioned above. Aggrieved by the refixation and recovery of the amount OA No 592/92 was filed in this Tribunal which was decided on 30.11.1992. The relevant para 5 is reproduced below:-

" Accordingly this application is allowed and the respondents are directed not to make any

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recovery from the applicants and the refixation which has been done will only take place from the date the order was passed. With the result, no recovery shall be made though, an increment may not be granted there from. In the same term after the order in the year 1989 was passed. In case if the recovery if any has already been made, the amount of the same shall be refunded because it is settled principle of law that none has to suffer because of the latches and mistakes committed by the respondents. The application is disposed of with the above terms. No order as to costs."

From the aforesaid order it is clear that the refixation of the pay was not disturbed by the Tribunal and it was approved. The applicants are praying for refixation in contravention of the OMs dated 8.2.1983 and 1.5.1989 which has ^{"already"} been refused by the ^{"tribunal"} ~~respondents~~. We do not find any error in the order.

The learned counsel for the applicant also submitted that employees junior to the applicants and similarly situated are being paid higher salary and for ending this anomaly refixation of the pay of the applicants was necessary. In the OA applicants have not specified the names who are juniors to the applicants and are ^{"being paid"} ~~paying~~ higher amount of the salary. In the circumstances, we are not ^{"in the view"} ~~in the view~~ to enter into ^{"the"} ~~the~~ controversy and we leave it open to the applicants to file a fresh representation before the respondents to

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to consider this aspect of the case. If the representation is filed it shall be considered and decided in accordance with law.

The OA is disposed of finally on the above terms.

There will be no order as to costs.

S. Bccin
MEMBER(A)

R
VICE CHAIRMAN

Dated: 22.3.2001

/Uv/