

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

....

Diary No. 1029 of 2002

In

Original Application No. 440 of 2002.

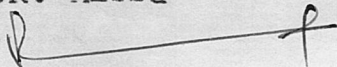
this the 16th day of April 2002.

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, V.C.
HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER (A)

1. Bimal Kumar Sharma, S/o late Sunder Sharma, R/o B-96, Sarswati Vihar, Ponappa Road, Allahabad.
2. Narendra Prakash Maurya, S/o late Bindra Dayal Maurya, R/o B-111, Sarswati Vihar, Ponappa Road, Allahabad.
3. Shiva Kant Misra, S/o Sri Raj Deo Misra, R/o C-95, Ganga Vihar Topkhana Bazar, New Cantt., Allahabad.
4. Hanuman Prasad Tiwari, S/o late Ram Raksha Tiwari R/o 114/5 M.T. Lines, Cariyappa Road Cantt. Allahabad
5. Shyamji Tewari, S/o late Ramanuj Tiwari, R/o 529-A Unchwagarhi Rajapur, Allahabad.
6. Rakesh Kumar Pandey, S/o Sri Raja Ram Pandey, R/o 120/3 M.T. Lines, New Cantt., Allahabad.
7. Smt. Smita Anand, W/o late A.P. Bham, R/o 182/95, BHS Alkhpur, Allahabad.
8. Sanjay Kapil, S/o Sri Om Prakash Kapil, R/o 141-E/10 Rajrooppur, Allahabad.
9. Udhithir Kumar Maurya, S/o late Ram Narayan Maurya, R/o B-132, Sarswati Vihar, Ponappa Road, Allahabad.
10. Manoj Kumar Verma, S/o Sri S.C. Verma, R/o 128-A/2 Abubakarpur, Preetam Nagar, Dhoomanganj, Allahabad.
11. Jitendra Singh, S/o Sri Ram Khelawan Singh, R/o C-85 Ganga Vihar Topkhana Bazar, New Cantt., Allahabad.

By Advocate : Sri S.K. Misra

Applicants.



Versus.

1. Union of India through the Secretary, Ministry of Defence, Govt. of India, South Block, New Delhi.
2. The Controller General, Defence Account, V. R.K. Puram, New Delhi.
3. The Principal Controller of Defence Accounts (Pension), Allahabad.

Respondents.

By Advocate : Sri G.R. Gupta.

O R D E R (ORAL)

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

By this application under Section 19 of the A.T. Act 1985, the applicants have challenged the order dated 31.1.2002 (Annexure A-1) which reads as under :

"With reference to your letter cited under reference, Headquarters office has intimated that the CAT Lucknow Bench judgment in O.A. No. 150/2001 has been referred to the Ministry for their concurrence and the Ministry has directed the respondents to implement the judgment in respect of the applicants only. The individuals may please be informed accordingly."

2. The applicants have claimed their upgradation in the pay-scale of Rs. 1350-2200 from the date of their appointments and also prayed for arrears on the basis of the judgment of Lucknow Bench of the Tribunal. Before the Lucknow Bench, the applicants had claimed parity on the basis of the judgments delivered by Hyderabad and Jabalpur Bench of this Tribunal. The claim of the applicants ^{for upgradation in pay scale} before Lucknow Bench, was also rejected on the ground that they were not party before Jabalpur Bench and Hyderabad Bench of the Tribunal. Lucknow Bench considered the whole controversy and passed the following order :

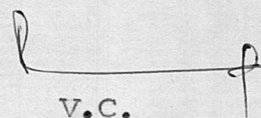
"In view thereof, the O.A. is allowed and the respondents are directed to give effect to the pay scale w.e.f. 1.1.1986 instead of 11.9.1989 to the applicants w.e.f. 1st January 1986 or the date of appointment which ever is later. The impugned order Annexure A-1 dated 30.11.2000 rejecting the claim of the applicant on the ground of being 'non applicants' is quashed. The case of these applicants shall be examined and



the consequential relief shall be granted to the applicants to which they may be found entitled within a period of three months from the date of receipt of copy of this order. No costs."

3. From the aforesaid order of the Lucknow Bench, it is clear that the stand taken by the department to refuse the relief was not approved and the judgments of Jabalpur and Hyderabad Bench of the Tribunal were treated to be ^{judgements in} rem and not in ^{personam} ~~impersonation~~. It is ^{or} strange^d that the respondents have taken the same stand ^{for rejecting the claims of applicants that} as they were not party before the Lucknow Bench of the Tribunal, while passing the impugned order dated 23.1.02. It is a serious matter and only causes multiplicity of the proceedings. If a dispute has been decided, the department should ^{have} taken care, that the similar disputesⁿ and claimsⁿ raised by the employees are considered in the light of such judgment. The O.A. is accordingly allowed and the impugned order dated 31.1.2002 is quashed. The cases of these applicants shall be examined and the consequential relief shall be granted to the applicants to which they may be found entitled within a period of three months from the date of communication of this order. There shall be no order as to costs.


MEMBER (A)


V.C.

GIRISH/-