

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 27TH DAY OF APRIL, 2004

Original Application No. 516 of 2003

CORAM:

HON.MR.JUSTICE S.R.SINGH,V.C.

HON.MR.D.R.TIWARI, MEMBER(A)

1. Govind Das, son of Shri Ganga Deen
  2. Jitendra Kumar, son of Shri Radhey Lal
  3. Gopal Hundait, son of Late Jagdish Sahai
  4. Radha Ballabh Chaturvedi, S/o Sri Jagdish prasad
  4. Ram Kishan son of Shri Ajju
  6. Mata Prasad son of Sri Swaroop Singh
  7. Arun Kumar son of Sri Mansha Ram
  8. Haseen Ahmad son of Sri Samim Ahmed
  9. Raghubeer Singh son of Sri Dwarika Singh
  10. Aleem Ahmad son of Sri Maqbool Ahmad
  11. <sup>veerendra singh</sup> Birendra Kumar son of Late Mohan Singh
  12. Ashok Kumar son of Sri Ghanshyam Das
  13. Jagdish Pd, son of Sri Hari Ram
  - 14.
  14. Siddharth Kumar son of Sri Jiya Lal
  15. Hori Lal, son of Sri Munni Lal
- All are posted in the office of  
Garrison Engineer, Military Engineering  
Services Department, Babina  
Cantt., Jhansi.

.. Applicants

(By Adv: Shri R.K.Shukla)

Versus

1. Union of India through its  
Secretary, Ministry of Defence  
New Delhi.
2. Chief Engineer,  
Head Quarter Central Command,  
Lucknow.
3. Commandant Works Engineer,  
Babina Cantt, district Jhansi.
4. Garrison Engineer,  
Military Engineering Services,  
Babina Cantt, Jhansi.

.. Respondents

*[Handwritten signature]*

Corrected Vide  
Order in MA 390/05  
dtel 17.3.05

*[Handwritten signature]*  
23.3.05  
Registers

O R D E R(Oral)

JUSTICE S.R.SINGH,V.C.,

We have heard Shri R.K.Shukla counsel for the applicant and Shri Chandrika Prasad, holding brief of Shri R.C.Joshi counsel for respondents. We have also perused the pleadings and the documents annexed thereto.

The applicants were appointed in semi skilled grade in the year 1987. It is not disputed that according to the offer of appointment the applicants were offered their respective posts in the scale of Rs 800-25-1010-EB-20-1150/- for 2 years and thereafter Rs 950-20-1150-EB-25-1500 plus allowances as admissible to central government employees from time to time. The relief claimed herein that the respondents be directed to give the scale of Rs 950-20-1150-EB-25-1500 from the very insertion of their appointment. It appears that the applicants accepted the offer of appointment <sup>without any demur</sup> but some of the similarly circumstanced employees of Jabalpur bench instituted OA No.166/91(MES Employees Union)Jabalpur area, Jabalpur through its General Secretary Sri N.H.Bashist Vs.Union of India through Secretary to Govt. of India, Ministry of Defence, Jabalpur. The said OA was allowed in terms of the following direction:-

"In the light of what is stated above, we allow this application and direct the respondents to grant the applicants the pay scale of Rs 950-1500 to all those skilled persons who have been recruited to the skilled grade bearing the pay scale of Rs 950-1500 which is the prescribed pay scale from the date they joined the service. The respondents shall fix their pay scale accordingly and disburse to the applicants 2 to 8 and similar other members of the semi-skilled the monetary benefits within a period of six months from the date of receipt of a copy of this order"

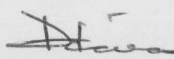
*By*

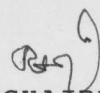
Since the Tribunal extended the benefit of the judgment to "similar other members of the semi skilled" category of employees, the applicants <sup>skilled</sup> ~~state~~ their claim for fixation of their pay in the pay scale of Rs 950-1500 from the very <sup>inception</sup> ~~insertion~~ of their appointments. The claim of the applicants for grant of skilled grade in the pay scale of Rs 950-1500 came to be rejected vide impugned order dated 31.1.03, a copy of which has been annexed as (Annexure 3). The government, it appears declined to extend the benefit of the judgment to the applicants who were not parties to the OA decided by the Central Administrative Tribunal, Jabalpur Bench. It is not disputed that the judgment of the Tribunal has attained the finality in that a writ petition filed against it came to be rejected by the High court of Madhya Pradesh. The applicants of OA No.166/91 ~~who~~ <sup>2</sup> were initially put in the pay scale of Rs 800-1150 but later fitted in the scale of Rs 950-1500 after two years of initial appointment. It is not disputed that the department had advertised the posts for direct recruitment<sup>5</sup> through employment exchange separately in the scale of Rs 950-1500 but after selection the applicants were initially appointed in the scale of Rs 800-1150, a scale meant for semi skilled workers. The benefit of the judgment of the Tribunal was extended to "similar other member-<sup>2</sup>s of the semi skilled category". In our opinion, the Govt. were not justified in rejecting the applicants claim which was based on the direction given by the Central Administrative Tribunal, Jabalpur Bench, Jabalpur in the case referred to above. Normally, the original application instituted on 6.5.03 seeking the scale of Rs 950-1500 from the date of initial appointment of the



applicants in 1987 would have been rejected as barred by time but since the applicants preferred a representation based on the judgment of the Jabalpur bench of the Tribunal which representation came to be rejected by order dated 31.1.03, we are of the view that delay if any, deserves to be condoned.

Accordingly, the OA succeeds and is allowed. The impugned order dated 31.1.03 (Annexure A-1) is set aside. The respondents are directed to extend the benefit of the judgment of Central Administrative Tribunal, Jabalpur Bench, Jabalpur in OA No.166/91 to the applicants within a period of three months from the date of receipt of a copy of this order. Parties shall bear their own costs.

  
MEMBER(A)

  
VICE CHAIRMAN

Dated: 27.4.04

Uv/