

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

OA. NO. 1001 of 1996

Date of order : 7.12.2001

Present : Hon'ble Mr. Justice D.N.Chowdhury, Vice-Chairman
Hon'ble Mr. S. Biswas, Administrative Member

ARABINDA SINHA & ORS

VS

UNION OF INDIA & ORS (DEFENCE)

For the applicant : Mr. N.C.Chakraborty, Counsel

For the respondents : Mr. B.Mukherjee, Counsel

O R D E R

Per Justice D.N.Chowdhury, V.C.:

In this application under section 19 of the A.T.Act, the applicants have sought for a direction to extend the benefits of the judgement in OA No. 43/91 (Swapan Kumar Roy & Ors -vs- UOI & Ors) dt. 17.6.94 and upgrading the applicants retrospectively w.e.f. 16.10.81 or in some cases from the date of joining subsequent to the cut off date and fix their pay in the higher grade with all consequential benefits and to restore their seniority.

2. In the OA mentioned above, the applicants therein (who are private respondents in the instant OA), who were working as Electricians under the respondents, sought the benefit of upgraded pay scales applicable to them as per relevant Ministry of Defence circular. The Tribunal on consideration of the materials on record, directed the respondents to step up the pay of those applicants to the level of their juniors with effect from the date their juniors were drawing higher pay with all consequential benefits.


3. According to the applicants, they are senior to the applicants of the aforesaid OA and therefore, they should also be granted similar benefits as had been given to those juniors pursuant to the Tribunal's order.

this score. On the other hand, the official respondents in their reply have given a comparative chart of the date of entry of the private respondents. On a perusal of this chart along with the chart given by the applicants about their service details in the application, it is quite clear that the private respondents are not junior to the applicants.

7. Mr. Chakraborty then argued that the applicants are entitled to 10% upgradation benefit as per the Govt. Order in question. As has already been pointed out that such upgradation benefit was also granted on the basis of seniority and since the applicants are senior, they cannot claim such upgradation benefits.

8. During the course of hearing, we are informed by Mr. B. Mukherjee, ld. counsel for the official respondents, by referring to the departmental records, that the applicants were promoted to the Electrician (HS, Gr. II) after passing the trade test and given the scale of Rs. 330-480/- w.e.f. 20.12.93 vide order No. 1183/1/B/1556/E1B(2) dated 20.12.93 i.e. before the filing of the instant OA.

9. In view of this position, we find no merit in this OA and it is accordingly dismissed. No costs.


MEMBER(A)


VICE CHAIRMAN