

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of order :22.07.1999

O.A. No. 109/1997

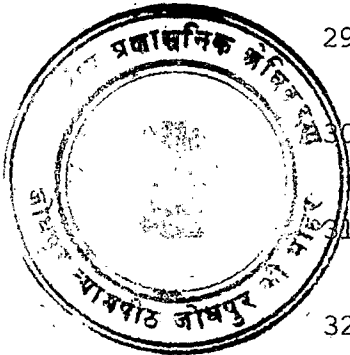
1. Ayub Ali s/o. Shri Mohd. Deen aged 32 years, MPA.
2. Joginder Kumar s/o. Shri Kashi Ram Mehta aged 33 years Fitter.
3. Anil Kumar Purohit s/o. Shri Satya Narain aged 33 years working as Pipe Fitter.
4. Mehboob Ali s/o. Shri Rustam Ali aged 33 years working as MPA.
5. Sanjay Kumar s/o. Shri Dil Bagh Singh aged 31 years working as Engine Fitter.
6. Mohd. Allafusta s/o. Shri Mohd. Nisar aged 31 years at present working as Line Man.
7. Ramesh Chandra s/o. Shri Sohan Lal aged 29 years working as Line Man.
8. Vasaf Ali s/o. Shri Sikandar Khan aged 34 years working as DES.
9. Shailender Mohan s/o. Shri Madan Mohan aged 33 years, Wireman.
10. Ashok Kumar s/o. Shri Sant Lal aged 30 years working as P.H.O.
11. Balrej Sureja s/o. Shri Darshan Lal aged 33 years working as MPA.
12. Kokan Ram s/o. Shri Chandgi Ram aged 33 years working as Pipe Fitter.
13. Sanjay Hooja s/o. Shri Krishna Lal aged 33 years working as MPA.
14. Safi Mohd s/o. Shri Noor Mohd. Khan aged 33 years working as Fitter.
15. Mohd. Rafiq s/o Ghilam Rasul aged 33 years working as MPA.
16. Sita Ram Bhati s/o. Shri Deep Chand aged 31 years working as M.P.A.
17. Mahendra Kumar s/o. Shri Loku Ram Arora aged 33 years working as Line Man.
18. Mohd. Abbad s/o. Shri Muse Khan aged 31 years working as D.E.S.
19. Sayeed Hassan s/o. Shri Ahmed Hassan aged 33 years working as M.P.A.

Cupals



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20. Hari Ram s/o. Shri Narsingh Ram aged 32 years working as M.P.A.
21. Badri Narain s/o. Shri Likhma Ram aged 34 years working as D.E.S.
22. Naresh Sachdeva s/o. Shri Govind Ram aged 33 years working as Line Man.
23. Srikant s/o. Shri Parmanand aged 30 years working as D.E.S.
24. Hanuman Prasad s/o. Shri Bhanwar Lal aged 34 years working as Pipe Fitter.
25. Radheyshyam s/o. Shri Shiv Narain aged 33 years working as M.P.A.
26. Mustak Ahmed s/o. Shri Akhtar Ali aged 32 years working as D.E.S.
27. Mohd. Akram s/o. Shri Abdul Sattar aged 33 years working as S.B.A.
28. Moti Chand s/o. Shri Lal Chand aged 35 years working as Valveman.
29. Gauri Shanker s/o. Shri Jhumal Lal aged 33 years working as Line Man.
30. Shabbir Ahmed s/o. Shri Naimuud Deen aged 32 years working as D.E.S.
31. Kallem Mirza s/o. Shri Muzzafar Mirza aged 30 years working as D.E.S.
32. Mohd. Farrok s/o. Shri Ghulam Quadir aged 33 years working as D.E.S.
33. Bhupendra Kumar s/o. Shri Ram Mohan Vyas aged 34 years working as M.P.A.
34. Om Prakash s/o. Shri Moda Ram aged 38 years r/o. Fitter.
35. Pawan Kumar s/o. Shri Subh Karan aged 32 years working as Plumber.
36. Ramavatar s/o. Shri Laxman Swaroop aged 32 years working as M.P.A.
37. Ram Singh Rathore s/o Shri Madho Singh aged 32 years working as D.E.S.
38. Ajay Krishna s/o. Shri Hari Kishan aged 35 years working as Pipe Fitter.
39. Krishna Ratan s/o. Shri Laxmi Narain aged 32 years working as Carpenter.
40. Kishan Lal s/o. Shri Girdhari Lal aged 32 years working as Plumber.
41. Anil Gaur s/o. Shri Deoraj Gaur aged 30 years working as Pipe Fitter.



Capal B. J.

42. Kamaljeet Singh s/o. Shri Tara Singh aged 34 years working as C. Maker.

43. Rajendra Kumar s/o. Shri Bhawani lal aged 33 years working as Carpenter.

All working under C.W.R., Bikaner.

... Applicants.

versus

1. Union of India through the Secretary to the Government, Ministry of Defence, New Delhi.

2. Garrison Engineer, Bikaner.

3. Commander Works Engineer (P), Bikaner.

4. Engineer in Chief, Army Headquarters, Delhi.

... Respondents.

Mr. Vijay Mehta, Counsel for the applicants.

None is present on behalf of the respondents.

CORAM :

Hon'ble Mr. A.K. Misra, Judicial Member.

Hon'ble Mr. Gopal Singh, Administrative Member.

ORDER

(Per Hon'ble Mr. Gopal Singh)

This application has been filed under Section 19 of the Administrative Tribunals Act, 1985, praying for a direction to the respondents to allow the scale of Rs. 950-1500 to the applicants from the date of their initial appointment with all consequential benefits. The applicants have also prayed for a direction to the respondents to treat the applicants at par with the applicants of O.A. No. 79/92.

2. Applicants' case is that they were initially appointed in the year 1987 and 1988 by the respondents-department on various skilled posts, like, M.P.P., Fitter, Pipe Fitter, Engine Fitter, Cabinet Maker, Carpenter, Lineman, Wireman, P.H.O., Plumber and S.B.A. etc. All the applicants are presently working in the highly skilled grade. It is the contention of the applicants that at the time of their appointment during the years 1987 and 1988,

Gopal Singh



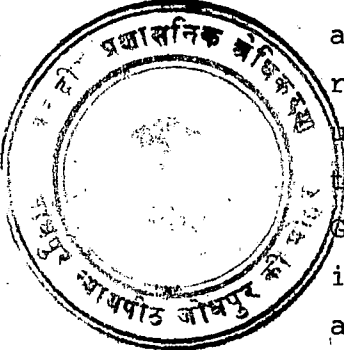
semi skilled scale of Rs. 800-1150 was not prevalent in the department, but they were appointed in the said scale on the skilled posts. The pay scale of the skilled posts prevalent at the relevant time was Rs. 950-1500. Accordingly, the applicants have prayed for allowing them the scale of Rs. 950-1500 from the date of their initial appointment. Having failed to get their grievances redressed from the respondents, the applicants have approached this Tribunal through the present O.A.

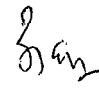
3. Notices were issued to the respondents, but they failed to file any reply despite many opportunities given to them. On the last date of hearing, i.e. 5.7.99, the learned counsel for the respondents was not present.

4. The controversy in hand has been examined in detail by this Tribunal in O.A. No. 79/1992, O.A. No. 206/1995 and O.A. No. 324/1995 and the contention of the applicants for fixation of their salary in the scale of Rs. 950-1500 from the date of their appointment has been upheld. We would not like to repeat the reasons recorded in O.As Nos. 79/92, 206/95 and 324/95 for upholding the contentions of the applicants herein. Suffice it to say that modification sought in the recruitment rules vide Government of India orders dated 15.10.1984 and 11.1.1985 were incorporated in the recruitment rules only in 1991 whereas the applicants were appointed to the respective posts during the year 1987 and 1988. As such, the modifications suggested in the Government orders dated 15th October, 1984 and 11th January, 1985 would not apply to the applicants.

5. In the circumstances, the Original Application is allowed with a direction to the respondents that the applicants should be fixed in the pay scale of Rs. 950-1500 from the date of their initial appointment within the period of three months from the date of receipt of a copy of this order.

6. The parties are left to bear their own costs.


(GOPAL SINGH)
Adm. Member


(A.K. MISRA)
Judl. Member

cvt.

Record Certs
 for H.S. Nash
 Ad.
 27.7-99
 Decd no. 244/99
 2767

Part II and III destroyed
 in my presence on 12-7-06
 under the supervision of
 section officer (J) as per
 order dated 16/5/26

Section officer (Record)