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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

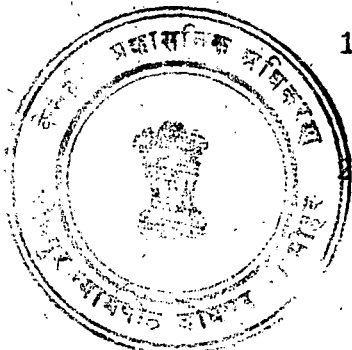
Date of order : 01.10.1999

O.A. No. 142/1998

Arjun Singh Gehlot son of Shri Ram Lal Gehlot by
caste Gehlot, aged about 42 years, resident of
Chittrawata Bera, Chainpura Vya, Mandor-Jodhpur,
working as Junior Engineer under Executive Engineer
Central Ground Water Board, Jodhpur.

.... Applicant.

v e r s u s

- 
1. Union of India through the Secretary Ministry
of Water Resources, New Delhi.
 2. The Chief Engineer and Member, Ministry of
Resources Head quarter Office, Central Ground
Water Board, N.H. IV, Faridabad, Haryana.
 3. The Executive Engineer, Central Ground Water
Board, Division XI 22(2), Heavy Industrial
Area, Near Jodhpur Dairy, Jodhpur.

.... Respondents.

Mr. Y.K. Sharma, Counsel for the applicant.

Mr. K.S. Nahar, Counsel for 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)

Gopal Singh

Applicant, Arjun Singh Gehlot, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for a direction to the respondents to extend the benefit of the decision given by the Bangalore Bench of the Central Administrative Tribunal vide their order dated 25.8.95 and to grant the claim of the applicant for higher scale of pay of that of Junior Engineers in C.P.W.D. in the pay scale of Rs. 1640-2900 to those Grade-II employees who have completed 5 years of service in that grade with effect from 1.1.86.

2. Government of India, Ministry of Urban Development had introduced selection grade for Junior Engineers of C.P.W.D. vide their letter dated 22.3.91 (Annexure A/4) with the following provisions;

- Scale at the time of entry Rs. 1400-2300.
- After 5 years Rs. 1640-2900-
- After total 15 years Rs. 2000-3500 on personal basis.

It is the contention of the applicant that their scale had been similar to the scales of Junior Engineers recommended by various Pay Commissions as mentioned below;

Before IIIrd Pay Commission:

IN C.P.W.D.

Rs. 180-10-290-EB-15-380

IN C.G.W.B.

Rs. 180-10-290-EB-15-380

During IIIrd Pay Commission

Rs. 425-15-500-EB-15-560-
20-700

Rs. 425-15-500-EB-15-560-
20-700

During IVth Pay Commission

Rs. 1400-40-1800-EB-50-2300

Rs. 1400-40-1800-EB-50-
2300

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The applicants, therefore, seek parity with the Junior Engineers of C.P.W.D. in regard to implementation of the Government of India's instructions dated 22.3.91 mentioned supra. This controversy had come up before the Bangalore Bench of the C.A.T. earlier vide O.A. Nos. 1337 & 1364 to 1375/1994 and 1338 & 1376 to 1382/1994, which were decided on 31.3.1995 with the following observations:



" 18. For the reasons discussed above, we deem it proper to allow the applications and grant the reliefs sought. Consequently Annexure A/10 order dated 8.4.1994 issued by Respondent No. 2 is hereby quashed. We further direct ~~that~~ the respondents to grant higher pay scales as that paid to JEs in CPWD in the scales of Rs. 1640/2900 to the applicants in Gr.1 Supdt. who as and when complete 5 years of service in the grade with effect from 1.1.1986 and who as and when complete 15 years of service in that grade the scale of Rs. 2000-3500 with effect from 1.1.1991 on the same line contained in the communication of MUD dated 21.3.1991 addressed to DG (Works), CPWD as in Annexure A-2.

The direction should be complied with within a period of three months from the date of receipt of a copy of this order."

3. The respondents had approached Hon'ble the Supreme Court against these orders of the Bangalore Bench of the Tribunal by way of an S.L.P., which were dismissed by Hon'ble Supreme Court on 8.4.1996 (Annexure A/7). Applicants Before the Bangalore Bench of the C.A.T. belong to the MES Department. On dismissal of the S.L.P., the orders of the Bangalore Bench of the Tribunal mentioned supra were implemented by the MES Department vide their letter dated 24.4.95 and 8.5.1996. It is also seen from the file that on a representation from one Shri V.N. Rao, Junior Engineer

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of the Central Ground Water Board for promotion to the post of STA, the respondent-department advised that as per recruitment rules, the promotion to the post of STA is to be made from field Supervisor redesignated as Junior Engineer who have rendered 5 years service in the grade in C.G.W.D. and further that since Shri Rao has not rendered 5 years service in C.G.W.B., it was not possible to consider his request for promotion to the post of STA. It has been admitted by the learned counsel for the respondents that Shri Rao whose case as mentioned above has been promoted to the higher scale after completion of five years as Junior Engineer. It has also been admitted by the learned counsel for the respondents that the duties and responsibilities of the Assistant Engineers in the respondent-department are the same as that of Assistant Engineers in the C.P.W.D. Apparently, the respondent-department is also following the Government of India's order dated 22.3.1991.



4. In the light of the above discussion, the application deserves to be allowed. The O.A. is accordingly allowed with the direction that the benefit in terms of the orders passed by the Bangalore Bench as also in terms of the Government of India's instructions dated 22.3.91 be extended to the applicant within a period of three months from the date of receipt of a copy of this order.

5. Parties are left to bear their own costs.

Goval S. Singh
(GOPAL SINGH)
Adm. Member

A.K. Misra
(A.K. MISRA)
Judl. Member

CVR.