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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J_O_D_H_P_U_R.

Date of Order : 17.7.2000.

O.A. No. 214/1999

1. Devendra Singh S/O Shri Kikar Singh, aged about 34 years, R/O quarter No.P.890/8, M.E.S. Colony, Air Force, Jodhpur (Raj) Presently working on the post of Electrician in the office of Assistant Garrison Engineer (E/M-I) Air Force, Jodhpur.
2. Kishor Singh Punia S/O Shri Narayan Singh aged about 34 years, R/O quarter No.P-58/3, M.E.S. Colony, Air Force, Jodhpur (Raj) Presently working on the post of Electrician in the office of Assistant Garrison Engineer (E/M(I), Air Force, Jodhpur.
3. Shiv Charan Jangid S/O Shri Ramji Lal aged about 34 years, R/O quarter No. P-891/4, M.E.S. Colony, Air Force, Jodhpur (Raj) Presently working on the post of Electrician in the office of the Assistant Garrison Engineer (E/M(I) Air Force, Jodhpur.

... Applicants

Vs

1. Union of India, through the Secretary, Ministry of Defence, New Delhi.
2. Commander Works Engineer, Air Force, Jodhpur.
3. Garrison Engineer, Air Force, Jodhpur.

... Respondents

Mr. S.K. Malik, Counsel for the Applicants.

Mr. Vineet Mathur, Counsel for the Respondents.

CCRAM :

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

Hon'ble Mr. Gopal Singh, Administrative Member

O_R_D_E_R

(PER HON'BLE MR. GOPAL SINGH)

In this application under Section 19 of the
Administrative Tribunals Act, 1985, applicants Devender Sir

Gopal Singh

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Kishore Singh Punia and Shiv Charan Jangid have prayed for setting aside the impugned order dated 14.7.1999 (Annex.A/1) and for a direction to the respondents to fix the pay of the applicants in the scale of Rs.950-1500 from the date of their initial appointment with all consequential benefits.

2. Applicants' case is that they were appointed as Lineman, Switch Board Attendants with effect from 21.9.1987, 26.4.1988 and 28.4.1988 respectively in the scale of 800-1150 and on completion of two years service they were given the scale of Rs.950-1500. Their contention is that since there was no provision for the pay scale of Rs.800-1150 for semi-skilled workers in the Recruitment Rules of 1971, they ought not to have been appointed in the scale of Rs.800-1150. It is also their contention that the respondents have appointed other semi-skilled workers in the pay scale of Rs.950-1500 and as such the applicants have been discriminated.

3. Notices were issued to the respondents and they have filed their reply.

4. We have heard the learned Counsel for the parties, and perused the records of the case carefully.

5. This controversy has come up before us in O.A. No. 324/95, decided on 21.12.1998, wherein it was held that the applicants therein would be entitled to the scale of Rs.950-1500 from the date of this initial appointment as semi-skilled workmen since at the time of their appointment the pay scale of Rs.800-1150 was not in existence and the same came in existence after the Recruitment Rules were amended in the year 1991.

Cupal Singh

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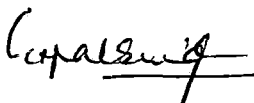


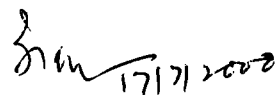
6. In this application also the applicants were appointed during the year 1997-1988 and as such this Tribunal order dated 21.12.1998 in O.A. No. 324/95, squarely covers their case. The O.A., therefore, deserves to be allowed.

7. Therefore, for detailed reasons recorded in our order dated 21.12.1998 in O.A. No. 324/95, this O.A. is allowed with a direction to the respondents to fix the pay of the applicants in the pay scale of Rs.950-1500 from the date of their initial appointment, within a period of four months from the date of receipt of a copy of this order. The impugned order dated 14.7.1999 (Annexure A/1) is set aside.

8. Parties are left to bear their own costs.

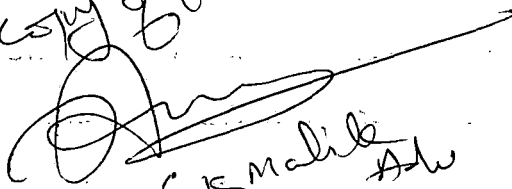



(GOPAL SINGH)
Adm. Member

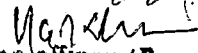

(A.K. MISRA)
Judl. Member

J

Copy Received
M. S. Gill
24-9
for V/d. Mathur

Rec
Copy Order

S. K. Malik Adv
25/7/2000

Part II and III destroyed
in my presence on 4-12-2007
under the provision of
section 17(2) of the
order dated 16/11/06


Section Officer (Record)