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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J_O_D_H_P_U_R.

Date of Order : 11.08.2000

O.A. No. 283/1999

1. Arvind Kumar Sharma, S/O Shri Raghunandan Sharma, aged about 43, R/o Naya Bas, Balsamund, Jodhpur.
2. Shyam Singh Chahar S/O Shri Lohari Singh aged about 44 years, R/O 14/8, Chopasani Housing Board, Jodhpur.
3. Rajendra Singh Shekhawat S/O Shri Udai Singh aged about 45 years, R/O 448 Mohan 'B' BJS Colony, Jodhpur.
4. Suresh Chand Gupta S/O Shri Gyan Chand Gupta aged about 41 years R/O Naya Bas, Balsamund, Jodhpur.

(All the applicants are presently working on the post of Junior Engineer (Civil) in the office of Executive Engineer, Jodhpur Central Division, CPWD Jodhpur.(Raj).

... Applicants

vs.

1. Union of India through the Secretary, Ministry of Urban Development, Nirman Bhawan, New Delhi.
2. The Director General of Works CPWD, Nirman Bhawan, New Delhi.
3. The Executive Engineer, Jodhpur Central Division, CPWD, Jodhpur. (Rajasthan)

... Respondents

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

Mr. Vineet Mathur, Counsel for the Respondents.

CORAM :

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 have prayed

Gopal Singh

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for setting aside the impugned orders at Annexure A/1 to A/4 dated 15.7.1999, Annexure A/5 dated 21.8.1999, Annexure A/6 dated 21.8.99, Annexure A/7 dated 24.8.99 and Annexure A/8 dated 21.8.99 be quashed and for a direction to the respondents to restore the status quo to the applicants, and the applicants be permitted to draw pay in the scale which was fixed for them before passing the impugned orders.

2. Applicants' case is that they joined as Junior Engineers with the respondent-department during the year 1977 ~~or 1979~~ in the pay scale of Rs.425-700 (Rs.1400-2300). In terms of Government of India order dated 22.3.1991, Junior Engineers were provided entry grade of Rs.1640-2900 on completion of five service with effect from 01.1.1986, and the and the placement in the higher grade was not to be considered as promotion. Accordingly, the pay of the applicants was fixed at Rs1640/- w.e.f. 1.1.86 with next date of increment as on 1.1.1987. Another Junior Engineers by name G.K. Kumawat was also given pay fixation at Rs.1640/- w.e.f. 1.1.86 with next date of increment from 1.2.86. On representation from the applicants, the respondents revised the date of their increment from 1.1.87 to 1.2.86 and they were also paid arrears on this account. The respondents vide their letter dated 15.7.99 (Annexure A/1) inform the applicants that their pay was fixed under FR 22 (1)(a)(i) on completion of five years service, but they were not entitled to fixation under FR 22(1)(a)(i). Accordingly, a recovery of Rs.1900/- has been raised against each applicant to be recovered in instalment of Rs.200/- per month. Feeling aggrieved, the applicants have approached this Tribunal through the present O.A.

(Copy of C.O.)

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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 had come up earlier before the Principal Bench in O.A. No.1936/96 decided on 8.8.97 and O.A. No.2400/96 decided on 20.4.2000. In both these cases it has been held that the applicants therein would be entitled to the next increment on the dates due to them in the old scale after 1.1.1986. We do not find any strong reason to deviate from the stand already taken by the Principal Bench as mentioned above.

6. In the light of above discussion, the O.A. deserves to be allowed.

7. Accordingly, we pass the order as under :

Impugned Annexure A/1 to A/8 ibid are quashed and set aside. The applicants would be entitled to draw next increment after 1.1.86 in the new scale from the dates due to them in the old scale. If any recovery has been made from the applicants on this count, the same shall be refunded to the applicants forthwith. The respondents are given three months time to comply with this order.

Gopal Singh
(GOPAL SINGH)

Adm. Member

A.K. Misra
(A.K. MISRA)

Judl. Member

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Received
by [unclear]
six months starting 22/2/2000
12/8/2000

Alcock
W.C.
12/8

Part II and III destroyed
in my presence on 12/8/07
under the supervision of
Section Officer () as per
order dated 10/10/06

Alcock
Section Officer (Records)